

110TH CONGRESS  
1ST SESSION

# S. 328

To ensure the implementation of the recommendations of the National  
Commission on Terrorist Attacks Upon the United States.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 17, 2007

Mr. MENENDEZ (for himself and Mr. LAUTENBERG) introduced the following  
bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To ensure the implementation of the recommendations of  
the National Commission on Terrorist Attacks Upon the  
United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Ensuring Implementation of the 9/11 Commission Re-  
6       port Act”.

7       (b) TABLE OF CONTENTS.—The table of contents for  
8       this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Definition; 9/11 Commission.

## TITLE I—HOMELAND SECURITY, EMERGENCY PREPAREDNESS AND RESPONSE

### Subtitle A—Emergency Preparedness and Response

#### CHAPTER 1—EMERGENCY PREPAREDNESS

- Sec. 101. Adequate radio spectrum for First Responders.
- Sec. 102. Report on establishing a unified incident command system.
- Sec. 103. Report on completing a national critical infrastructure risk and vulnerabilities assessment.
- Sec. 104. Private sector preparedness.
- Sec. 105. Relevant congressional committees defined.

#### CHAPTER 2—ASSISTANCE FOR FIRST RESPONDERS

- Sec. 111. Short title.
- Sec. 112. Findings.
- Sec. 113. Faster and Smarter Funding for First Responders.
- Sec. 114. Superseded provision.
- Sec. 115. Oversight.
- Sec. 116. GAO Report on an inventory and status of Homeland Security first responder training.
- Sec. 117. Removal of civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.

### Subtitle B—Transportation Security

- Sec. 121. Report on national strategy for transportation security.
- Sec. 122. Report on airline passenger prescreening.
- Sec. 123. Report on detection of explosives at airline screening checkpoints.
- Sec. 124. Report on comprehensive screening program.
- Sec. 125. Relevant congressional committees defined.

### Subtitle C—Border Security

- Sec. 131. Counterterrorist travel intelligence.
- Sec. 132. Comprehensive screening system.
- Sec. 133. Biometric entry and exit data system.
- Sec. 134. International collaboration on border and document security.
- Sec. 135. Standardization of secure identification.
- Sec. 136. Security enhancements for social security cards.

## TITLE II—REFORMING THE INSTITUTIONS OF GOVERNMENT

### Subtitle A—Intelligence Community

- Sec. 201. Report on Director of National Intelligence.
- Sec. 202. Report on National Counterterrorism Center.
- Sec. 203. Report on creation of a Federal Bureau of Investigation national security workforce.
- Sec. 204. Report on new missions for the Director of the Central Intelligence Agency.
- Sec. 205. Report on incentives for information sharing.
- Sec. 206. Report on Presidential leadership of national security institutions in the information revolution.
- Sec. 207. Homeland airspace defense.

- Sec. 208. Semiannual Report on plans and strategies of United States Northern Command for defense of the United States homeland.
- Sec. 209. Relevant congressional committees defined.

#### Subtitle B—Civil Liberties and Executive Power

- Sec. 211. Report on the balance between security and civil liberties.
- Sec. 212. Privacy and Civil Liberties Oversight Board.
- Sec. 213. Set privacy guidelines for Government sharing of personal information.
- Sec. 214. Definition of relevant congressional committees for subtitle.

#### Subtitle C—Homeland Security Committees

### CHAPTER 1—HOMELAND SECURITY OVERSIGHT REFORM IN THE SENATE

#### SUBCHAPTER A—INTELLIGENCE OVERSIGHT REFORM

- Sec. 221. Intelligence oversight.

#### SUBCHAPTER B—COMMITTEE STATUS

- Sec. 231. Committee status.

#### SUBCHAPTER C—INTELLIGENCE-RELATED SUBCOMMITTEES

- Sec. 241. Subcommittee related to intelligence oversight.
- Sec. 242. Subcommittee related to intelligence appropriations.

### CHAPTER 2—EFFECTIVE DATE

- Sec. 261. Effective date.

#### Subtitle D—Declassification of Overall Intelligence Budget

- Sec. 271. Availability to public of certain intelligence funding information.

#### Subtitle E—Standardize Security Clearances

- Sec. 282. Standardization of security clearances.

## TITLE III—FOREIGN POLICY, PUBLIC DIPLOMACY, AND NONPROLIFERATION

#### Subtitle A—Foreign Policy

- Sec. 301. Actions to ensure a long-term commitment to Afghanistan.
- Sec. 302. Actions to support Pakistan against extremists.
- Sec. 303. Actions to support reform in Saudi Arabia.
- Sec. 304. Elimination of terrorist sanctuaries.
- Sec. 305. Comprehensive coalition strategy against Islamist terrorism.
- Sec. 306. Standards for the detention and humane treatment of captured terrorists.
- Sec. 307. Use of economic policies to combat terrorism.
- Sec. 308. Actions to ensure vigorous efforts against terrorist financing.

#### Subtitle B—Public Diplomacy

- Sec. 311. Public diplomacy responsibilities of the Department of State and public diplomacy training of members of the Foreign Service.

- Sec. 312. International broadcasting.
- Sec. 313. Expansion of United States scholarship, exchange, and library programs in the Islamic world.
- Sec. 314. International Youth Opportunity Fund.

#### Subtitle C—Nonproliferation

- Sec. 321. Short title.
- Sec. 322. Findings.
- Sec. 323. Establishment of Office of Nonproliferation Programs in the Executive Office of the President.
- Sec. 324. Removal of restrictions on Cooperative Threat Reduction programs.
- Sec. 325. Removal of restrictions on Department of Energy nonproliferation programs.
- Sec. 326. Modifications of authority to use Cooperative Threat Reduction program funds outside the former Soviet Union.
- Sec. 327. Modifications of authority to use International Nuclear Materials Protection and Cooperation program funds outside the former Soviet Union.
- Sec. 328. Special reports on adherence to arms control agreements and nonproliferation commitments.
- Sec. 329. Presidential Report on impediments to certain nonproliferation activities.
- Sec. 330. Enhancement of Global Threat Reduction Initiative.
- Sec. 331. Expansion of Proliferation Security Initiative.
- Sec. 332. Sense of Congress relating to international security standards for nuclear weapons and materials.
- Sec. 333. Authorization of appropriations relating to inventory of Russian tactical nuclear warheads and data exchanges.
- Sec. 334. Report on accounting for and securing of Russia's non-strategic nuclear weapons.
- Sec. 335. Research and development involving alternative use of weapons of mass destruction expertise.
- Sec. 336. Strengthening the Nuclear Nonproliferation Treaty.
- Sec. 337. Definitions.

### **1 SEC. 2. DEFINITION; 9/11 COMMISSION.**

2        In this Act, the term “9/11 Commission” means the  
 3 National Commission on Terrorist Attacks Upon the  
 4 United States.

1 **TITLE I—HOMELAND SECURITY,**  
 2 **EMERGENCY PREPAREDNESS**  
 3 **AND RESPONSE**

4 **Subtitle A—Emergency**  
 5 **Preparedness and Response**

6 **CHAPTER 1—EMERGENCY**  
 7 **PREPAREDNESS**

8 **SEC. 101. ADEQUATE RADIO SPECTRUM FOR FIRST RE-**  
 9 **SPONDERS.**

10 (a) SHORT TITLE.—This chapter may be cited as the  
 11 “Homeland Emergency Response Operations Act” or the  
 12 “HERO Act”.

13 (b) PREVENTION OF DELAY IN REASSIGNMENT OF  
 14 24 MEGAHERTZ FOR PUBLIC SAFETY PURPOSES.—Sec-  
 15 tion 309(j)(14) of the Communications Act of 1934 (47  
 16 U.S.C. 309(j)(14)) is amended by adding at the end the  
 17 following new subparagraph:

18 “(D) EXTENSIONS NOT PERMITTED FOR  
 19 CHANNELS (63, 64, 68 AND 69) REASSIGNED FOR  
 20 PUBLIC SAFETY SERVICES.—Notwithstanding  
 21 subparagraph (B), the Commission shall not  
 22 grant any extension under such subparagraph  
 23 from the limitation of subparagraph (A) with  
 24 respect to the frequencies assigned, pursuant to  
 25 section 337(a)(1), for public safety services.

The Commission shall take all actions necessary to complete assignment of the electromagnetic spectrum between 764 and 776 megahertz, inclusive, and between 794 and 806 megahertz, inclusive, for public safety services and to permit operations by public safety services on those frequencies commencing not later than December 31, 2007.”.

**SEC. 102. REPORT ON ESTABLISHING A UNIFIED INCIDENT  
COMMAND SYSTEM.**

(a) REPORT; CERTIFICATION.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to establishing a unified incident command system.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) a certification by the Secretary of Homeland Security that such recommendations

1 have been implemented and such policy goals  
2 have been achieved; or

3 (B) if the Secretary of Homeland Security  
4 is unable to make the certification described in  
5 subparagraph (A), a description of—

6 (i) the steps taken to implement such  
7 recommendations and achieve such policy  
8 goals;

9 (ii) when the Secretary of Homeland  
10 Security expects such recommendations to  
11 be implemented and such policy goals to be  
12 achieved; and

13 (iii) any allocation of resources or  
14 other actions by Congress the Director  
15 considers necessary to implement such rec-  
16 ommendations and achieve such policy  
17 goals.

18 (b) TERMINATION OF DUTY TO REPORT.—The duty  
19 to submit a report under subsection (a) shall terminate  
20 when the Secretary of Homeland Security submits a cer-  
21 tification pursuant to subsection (a)(2)(A).

22 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-  
23 retary of Homeland Security submits a certification pursu-  
24 ant to subsection (a)(2)(A), not later than 30 days after  
25 the submission of such certification, the Comptroller Gen-

1 eral shall submit to the relevant congressional committees  
 2 a report on whether the recommendations described in  
 3 subsection (a) have been implemented and whether the  
 4 policy goals described in subsection (a) have been  
 5 achieved.

6 **SEC. 103. REPORT ON COMPLETING A NATIONAL CRITICAL**  
 7 **INFRASTRUCTURE RISK AND**  
 8 **VULNERABILITIES ASSESSMENT.**

9 (a) REPORT; CERTIFICATION.—

10 (1) IN GENERAL.—Not later than 30 days after  
 11 the date of enactment of this Act, and every 30 days  
 12 thereafter, the Secretary of Homeland Security shall  
 13 submit to the relevant congressional committees a  
 14 report on the recommendations of the 9/11 Commis-  
 15 sion and the policy goals of the Intelligence Reform  
 16 and Terrorism Prevention Act of 2004 (Public Law  
 17 108–458) with respect to completing a national crit-  
 18 ical infrastructure risk and vulnerabilities assess-  
 19 ment.

20 (2) CONTENTS.—Each report submitted under  
 21 paragraph (1) shall include—

22 (A) a certification by the Secretary of  
 23 Homeland Security that such recommendations  
 24 have been implemented and such policy goals  
 25 have been achieved; or



1 (B) if the Secretary of Homeland Security  
2 is unable to make the certification described in  
3 subparagraph (A), a description of—

4 (i) the steps taken to implement such  
5 recommendations and achieve such policy  
6 goals;

7 (ii) when the Secretary of Homeland  
8 Security expects such recommendations to  
9 be implemented and such policy goals to be  
10 achieved; and

11 (iii) any allocation of resources or  
12 other actions by Congress the Director  
13 considers necessary to implement such rec-  
14 ommendations and achieve such policy  
15 goals.

16 (b) TERMINATION OF DUTY TO REPORT.—The duty  
17 to submit a report under subsection (a) shall terminate  
18 when the Secretary of Homeland Security submits a cer-  
19 tification pursuant to subsection (a)(2)(A).

20 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-  
21 retary of Homeland Security submits a certification pursu-  
22 ant to subsection (a)(2)(A), not later than 30 days after  
23 the submission of such certification, the Comptroller Gen-  
24 eral shall submit to the relevant congressional committees  
25 a report on whether the recommendations described in

1 subsection (a) have been implemented and whether the  
2 policy goals described in subsection (a) have been  
3 achieved.

4 **SEC. 104. PRIVATE SECTOR PREPAREDNESS.**

5 Not later than 90 days after the date of enactment  
6 of this Act, the Comptroller General of the United States  
7 shall submit to Congress—

8 (1) a determination of what has been done to  
9 enhance private sector preparedness for terrorist at-  
10 tack; and

11 (2) recommendations of any additional congres-  
12 sional action or administrative action that is nec-  
13 essary to enhance such preparedness.

14 **SEC. 105. RELEVANT CONGRESSIONAL COMMITTEES DE-**  
15 **FINED.**

16 In this chapter, the term “relevant congressional  
17 committees” means the Committee on Homeland Security,  
18 the Committee on Oversight and Government Reform, and  
19 the Committee on Transportation and Infrastructure of  
20 the House of Representatives and the Committee on  
21 Homeland Security and Government Affairs and the Com-  
22 mittee on Environment and Public Works of the Senate.

1       **CHAPTER 2—ASSISTANCE FOR FIRST**  
2                               **RESPONDERS**

3   **SEC. 111. SHORT TITLE.**

4       This chapter may be cited as the “Faster and Smart-  
5   er Funding for First Responders Act of 2005”.

6   **SEC. 112. FINDINGS.**

7       The Congress finds the following:

8           (1) In order to achieve its objective of pre-  
9       venting, minimizing the damage from, and assisting  
10      in the recovery from terrorist attacks, the Depart-  
11      ment of Homeland Security must play a leading role  
12      in assisting communities to reach the level of pre-  
13      paredness they need to prevent and respond to a ter-  
14      rorist attack.

15          (2) First responder funding is not reaching the  
16      men and women of our Nation’s first response teams  
17      quickly enough, and sometimes not at all.

18          (3) To reform the current bureaucratic process  
19      so that homeland security dollars reach the first re-  
20      sponders who need it most, it is necessary to clarify  
21      and consolidate the authority and procedures of the  
22      Department of Homeland Security that support first  
23      responders.

24          (4) Ensuring adequate resources for the new  
25      national mission of homeland security, without de-

1       grading the ability to address effectively other types  
2       of major disasters and emergencies, requires a discrete and separate grant making process for homeland security funds for first response to terrorist acts, on the one hand, and for first responder programs designed to meet pre-September 11 priorities, on the other.

8           (5) While a discrete homeland security grant making process is necessary to ensure proper focus on the unique aspects of terrorism preparedness, it is essential that State and local strategies for utilizing such grants be integrated, to the greatest extent practicable, with existing State and local emergency management plans.

15          (6) Homeland security grants to first responders must be based on the best intelligence concerning the capabilities and intentions of our terrorist enemies, and that intelligence must be used to target resources to the Nation's greatest threats, vulnerabilities, and consequences.

21          (7) The Nation's first response capabilities will be improved by sharing resources, training, planning, personnel, and equipment among neighboring jurisdictions through mutual aid agreements and regional cooperation. Such regional cooperation should

1 be supported, where appropriate, through direct  
2 grants from the Department of Homeland Security.

3 (8) An essential prerequisite to achieving the  
4 Nation's homeland security objectives for first re-  
5 sponders is the establishment of well-defined na-  
6 tional goals for terrorism preparedness. These goals  
7 should delineate the essential capabilities that every  
8 jurisdiction in the United States should possess or  
9 to which it should have access.

10 (9) A national determination of essential capa-  
11 bilities is needed to identify levels of State and local  
12 government terrorism preparedness, to determine  
13 the nature and extent of State and local first re-  
14 sponder needs, to identify the human and financial  
15 resources required to fulfill them, to direct funding  
16 to meet those needs, and to measure preparedness  
17 levels on a national scale.

18 (10) To facilitate progress in achieving, main-  
19 taining, and enhancing essential capabilities for  
20 State and local first responders, the Department of  
21 Homeland Security should seek to allocate homeland  
22 security funding for first responders to meet nation-  
23 wide needs.

24 (11) Private sector resources and citizen volun-  
25 teers can perform critical functions in assisting in

1 preventing and responding to terrorist attacks, and  
2 should be integrated into State and local planning  
3 efforts to ensure that their capabilities and roles are  
4 understood, so as to provide enhanced State and  
5 local operational capability and surge capacity.

6 (12) Public-private partnerships, such as the  
7 partnerships between the Business Executives for  
8 National Security and the States of New Jersey and  
9 Georgia, can be useful to identify and coordinate pri-  
10 vate sector support for State and local first respond-  
11 ers. Such models should be expanded to cover all  
12 States and territories.

13 (13) An important aspect of terrorism pre-  
14 paredness is measurability, so that it is possible to  
15 determine how prepared a State or local government  
16 is now, and what additional steps it needs to take,  
17 in order to prevent, prepare for, respond to, mitigate  
18 against, and recover from acts of terrorism.

19 (14) The Department of Homeland Security  
20 should establish, publish, and regularly update na-  
21 tional voluntary consensus standards for both equip-  
22 ment and training, in cooperation with both public  
23 and private sector standard setting organizations, to  
24 assist State and local governments in obtaining the  
25 equipment and training to attain the essential capa-

1 bilities for first response to acts of terrorism, and to  
 2 ensure that first responder funds are spent wisely.

3 **SEC. 113. FASTER AND SMARTER FUNDING FOR FIRST RE-**  
 4 **SPONDERS.**

5 (a) IN GENERAL.—The Homeland Security Act of  
 6 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is  
 7 amended by adding at the end the following:

8 **“TITLE XX—FUNDING FOR FIRST**  
 9 **RESPONDERS**

10 **“SEC. 2001. DEFINITIONS.**

11 “In this title:

12 “(1) BOARD.—The term ‘Board’ means the  
 13 First Responder Grants Board established under  
 14 section 2004.

15 “(2) COVERED GRANT.—The term ‘covered  
 16 grant’ means any grant to which this title applies  
 17 under section 2002.

18 “(3) DIRECTLY ELIGIBLE TRIBE.—The term  
 19 ‘directly eligible tribe’ means any Indian tribe or  
 20 consortium of Indian tribes that—

21 “(A) meets the criteria for inclusion in the  
 22 qualified applicant pool for Self-Governance  
 23 that are set forth in section 402(c) of the In-  
 24 dian Self-Determination and Education Assist-  
 25 ance Act (25 U.S.C. 458bb(c));

1           “(B) employs at least 10 full-time per-  
2           sonnel in a law enforcement or emergency re-  
3           sponse agency with the capacity to respond to  
4           calls for law enforcement or emergency services;  
5           and

6           “(C)(i) is located on, or within 5 miles of,  
7           an international border or waterway;

8           “(ii) is located within 5 miles of a facility  
9           designated as high-risk critical infrastructure  
10          by the Secretary;

11          “(iii) is located within or contiguous to 1  
12          of the 50 largest metropolitan statistical areas  
13          in the United States; or

14          “(iv) has more than 1,000 square miles of  
15          Indian country, as that term is defined in sec-  
16          tion 1151 of title 18, United States Code.

17          “(4) ELEVATIONS IN THE THREAT ALERT  
18          LEVEL.—The term ‘elevations in the threat alert  
19          level’ means any designation (including those that  
20          are less than national in scope) that raises the  
21          homeland security threat level to either the highest  
22          or second highest threat level under the Homeland  
23          Security Advisory System referred to in section  
24          201(d)(7).



1           “(5) EMERGENCY PREPAREDNESS.—The term  
2           ‘emergency preparedness’ has the meaning given  
3           that term in section 602 of the Robert T. Stafford  
4           Disaster Relief and Emergency Assistance Act (42  
5           U.S.C. 5195a).

6           “(6) ESSENTIAL CAPABILITIES.—The term ‘es-  
7           sential capabilities’ means the levels, availability,  
8           and competence of emergency personnel, planning,  
9           training, and equipment across a variety of dis-  
10          ciplines needed to effectively and efficiently prevent,  
11          prepare for, respond to, and recover from acts of  
12          terrorism consistent with established practices.

13          “(7) FIRST RESPONDER.—The term ‘first re-  
14          sponder’ shall have the same meaning as the term  
15          ‘emergency response provider’.

16          “(8) INDIAN TRIBE.—The term ‘Indian tribe’  
17          means any Indian tribe, band, nation, or other orga-  
18          nized group or community, including any Alaskan  
19          Native village or regional or village corporation as  
20          defined in or established pursuant to the Alaskan  
21          Native Claims Settlement Act (43 U.S.C. 1601 et  
22          seq.), which is recognized as eligible for the special  
23          programs and services provided by the United States  
24          to Indians because of their status as Indians.

25          “(9) REGION.—The term ‘region’ means—

1           “(A) any geographic area consisting of all  
2           or parts of 2 or more contiguous States, coun-  
3           ties, municipalities, or other local governments  
4           that have a combined population of at least  
5           1,650,000 or have an area of not less than  
6           20,000 square miles, and that, for purposes of  
7           an application for a covered grant, is rep-  
8           resented by 1 or more governments or govern-  
9           mental agencies within such geographic area,  
10          and that is established by law or by agreement  
11          of 2 or more such governments or governmental  
12          agencies in a mutual aid agreement; or

13          “(B) any other combination of contiguous  
14          local government units (including such a com-  
15          bination established by law or agreement of 2  
16          or more governments or governmental agencies  
17          in a mutual aid agreement) that is formally cer-  
18          tified by the Secretary as a region for purposes  
19          of this title with the consent of—

20                 “(i) the State or States in which they  
21                 are located, including a multi-State entity  
22                 established by a compact between 2 or  
23                 more States; and

1 “(ii) the incorporated municipalities,  
2 counties, and parishes that they encom-  
3 pass.

4 “(10) TASK FORCE.—The term ‘Task Force’  
5 means the Task Force on Terrorism Preparedness  
6 for First Responders established under section 2005.

7 “(11) TERRORISM PREPAREDNESS.—The term  
8 ‘terrorism preparedness’ means any activity designed  
9 to improve the ability to prevent, prepare for, re-  
10 spond to, mitigate against, or recover from threat-  
11 ened or actual terrorist attacks.

12 **“SEC. 2002. FASTER AND SMARTER FUNDING FOR FIRST RE-  
13 SPONDERS.**

14 “(a) COVERED GRANTS.—This title applies to grants  
15 provided by the Department to States, regions, or directly  
16 eligible tribes for the primary purpose of improving the  
17 ability of first responders to prevent, prepare for, respond  
18 to, mitigate against, or recover from threatened or actual  
19 terrorist attacks, especially those involving weapons of  
20 mass destruction, administered under the following:

21 “(1) STATE HOMELAND SECURITY GRANT PRO-  
22 GRAM.—The State Homeland Security Grant Pro-  
23 gram of the Department, or any successor to such  
24 grant program.

1           “(2) URBAN AREA SECURITY INITIATIVE.—The  
2           Urban Area Security Initiative of the Department,  
3           or any successor to such grant program.

4           “(3) LAW ENFORCEMENT TERRORISM PREVEN-  
5           TION PROGRAM.—The Law Enforcement Terrorism  
6           Prevention Program of the Department, or any suc-  
7           cessor to such grant program.

8           “(b) EXCLUDED PROGRAMS.—This title does not  
9           apply to or otherwise affect the following Federal grant  
10          programs or any grant under such a program:

11          “(1) NONDEPARTMENT PROGRAMS.—Any Fed-  
12          eral grant program that is not administered by the  
13          Department.

14          “(2) FIRE GRANT PROGRAMS.—The fire grant  
15          programs authorized by sections 33 and 34 of the  
16          Federal Fire Prevention and Control Act of 1974  
17          (15 U.S.C. 2229, 2229a).

18          “(3) EMERGENCY MANAGEMENT PLANNING  
19          AND ASSISTANCE ACCOUNT GRANTS.—The Emer-  
20          gency Management Performance Grant program and  
21          the Urban Search and Rescue Grants program au-  
22          thorized by title VI of the Robert T. Stafford Dis-  
23          aster Relief and Emergency Assistance Act (42  
24          U.S.C. 5195 et seq.), the Departments of Veterans  
25          Affairs and Housing and Urban Development, and

1       Independent Agencies Appropriations Act, 2000  
 2       (113 Stat. 1047 et seq.), and the Earthquake Haz-  
 3       ards Reduction Act of 1977 (42 U.S.C. 7701 et  
 4       seq.).

5       **“SEC. 2003. COVERED GRANT ELIGIBILITY AND CRITERIA.**

6       “(a) GRANT ELIGIBILITY.—Any State, region, or di-  
 7       rectly eligible tribe shall be eligible to apply for a covered  
 8       grant.

9       “(b) GRANT CRITERIA.—The Secretary shall award  
 10      covered grants to assist States and local governments in  
 11      achieving, maintaining, and enhancing the essential capa-  
 12      bilities for terrorism preparedness established by the Sec-  
 13      retary.

14      “(c) STATE HOMELAND SECURITY PLANS.—

15           “(1) SUBMISSION OF PLANS.—The Secretary  
 16      shall require that any State applying to the Sec-  
 17      retary for a covered grant shall submit to the Sec-  
 18      retary a 3-year State homeland security plan that—

19                   “(A) describes the essential capabilities  
 20                   that communities within the State should pos-  
 21                   sess, or to which they should have access, based  
 22                   upon the terrorism risk factors relevant to such  
 23                   communities, in order to meet the Department’s  
 24                   goals for terrorism preparedness;

1           “(B) demonstrates the extent to which the  
2           State has achieved the essential capabilities  
3           that apply to the State;

4           “(C) demonstrates the needs of the State  
5           necessary to achieve, maintain, or enhance the  
6           essential capabilities that apply to the State;

7           “(D) includes a prioritization of such needs  
8           based on threat, vulnerability, and consequence  
9           assessment factors applicable to the State;

10          “(E) describes how the State intends to—

11           “(i) address such needs at the city,  
12           county, regional, tribal, State, and inter-  
13           state level, including a precise description  
14           of any regional structure the State has es-  
15           tablished for the purpose of organizing  
16           homeland security preparedness activities  
17           funded by covered grants;

18           “(ii) use all Federal, State, and local  
19           resources available for the purpose of ad-  
20           dressing such needs; and

21           “(iii) give particular emphasis to re-  
22           gional planning and cooperation, including  
23           the activities of multijurisdictional plan-  
24           ning agencies governed by local officials,

1           both within its jurisdictional borders and  
2           with neighboring States;

3           “(F) with respect to the emergency pre-  
4           paredness of first responders, addresses the  
5           unique aspects of terrorism as part of a com-  
6           prehensive State emergency management plan;  
7           and

8           “(G) provides for coordination of response  
9           and recovery efforts at the local level, including  
10          procedures for effective incident command in  
11          conformance with the National Incident Man-  
12          agement System.

13          “(2) CONSULTATION.—The State plan sub-  
14          mitted under paragraph (1) for a State shall be de-  
15          veloped in consultation with and subject to appro-  
16          priate comment by local governments and first re-  
17          sponders within that State.

18          “(3) APPROVAL BY SECRETARY.—The Sec-  
19          retary may not award any covered grant to a State  
20          unless the Secretary has approved the applicable  
21          State homeland security plan.

22          “(4) REVISIONS.—A State may revise the  
23          homeland security plan for that State approved by  
24          the Secretary under this subsection, subject to ap-  
25          proval of the revision by the Secretary.

1       “(d) CONSISTENCY WITH STATE PLANS.—The Sec-  
2   retary shall ensure that each covered grant is used to sup-  
3   plement and support, in a consistent and coordinated  
4   manner, the applicable State homeland security plan or  
5   plans.

6       “(e) APPLICATION FOR GRANT.—

7           “(1) IN GENERAL.—Except as otherwise pro-  
8   vided in this subsection, any State, region, or di-  
9   rectly eligible tribe may apply for a covered grant by  
10   submitting to the Secretary an application at such  
11   time, in such manner, and containing such informa-  
12   tion as is required under this subsection, or as the  
13   Secretary may reasonably require.

14          “(2) DEADLINES FOR APPLICATIONS AND  
15   AWARDS.—All applications for covered grants shall  
16   be submitted at such time as the Secretary may rea-  
17   sonably require for the fiscal year for which they are  
18   submitted. The Secretary shall award covered grants  
19   pursuant to all approved applications for such fiscal  
20   year as soon as practicable, but not later than  
21   March 1 of such year.

22          “(3) AVAILABILITY OF FUNDS.—All funds  
23   awarded by the Secretary under covered grants in a  
24   fiscal year shall be available for obligation through  
25   the end of the subsequent fiscal year.



1           “(4) MINIMUM CONTENTS OF APPLICATION.—

2           The Secretary shall require that each applicant in-  
3           clude in its application, at a minimum—

4                   “(A) the purpose for which the applicant  
5                   seeks covered grant funds and the reasons why  
6                   the applicant needs the covered grant to meet  
7                   the essential capabilities for terrorism prepared-  
8                   ness within the State, region, or directly eligible  
9                   tribe to which the application pertains;

10                   “(B) a description of how, by reference to  
11                   the applicable State homeland security plan or  
12                   plans under subsection (c), the allocation of  
13                   grant funding proposed in the application, in-  
14                   cluding, where applicable, the amount not  
15                   passed through under section 2006(g)(1), would  
16                   assist in fulfilling the essential capabilities for  
17                   terrorism preparedness specified in such plan or  
18                   plans;

19                   “(C) a statement of whether a mutual aid  
20                   agreement applies to the use of all or any por-  
21                   tion of the covered grant funds;

22                   “(D) if the applicant is a State, a descrip-  
23                   tion of how the State plans to allocate the cov-  
24                   ered grant funds to regions, local governments,  
25                   and Indian tribes;

1 “(E) if the applicant is a region—

2 “(i) a precise geographical description  
3 of the region and a specification of all par-  
4 ticipating and nonparticipating local gov-  
5 ernments within the geographical area  
6 comprising that region;

7 “(ii) a specification of what govern-  
8 mental entity within the region will admin-  
9 ister the expenditure of funds under the  
10 covered grant; and

11 “(iii) a designation of a specific indi-  
12 vidual to serve as regional liaison;

13 “(F) a capital budget showing how the ap-  
14 plicant intends to allocate and expend the cov-  
15 ered grant funds;

16 “(G) if the applicant is a directly eligible  
17 tribe, a designation of a specific individual to  
18 serve as the tribal liaison; and

19 “(H) a statement of how the applicant in-  
20 tends to meet the matching requirement, if any,  
21 that applies under section 2006(g)(2).

22 “(5) REGIONAL APPLICATIONS.—

23 “(A) RELATIONSHIP TO STATE APPLICA-  
24 TIONS.—A regional application shall—

1 “(i) be coordinated with an applica-  
2 tion submitted by the State or States of  
3 which such region is a part;

4 “(ii) supplement and avoid duplication  
5 with such State application; and

6 “(iii) address the unique regional as-  
7 pects of such region’s terrorism prepared-  
8 ness needs beyond those provided for in  
9 the application of such State or States.

10 “(B) STATE REVIEW AND SUBMISSION.—

11 To ensure the consistency required under sub-  
12 section (d) and the coordination required under  
13 subparagraph (A) of this paragraph, an appli-  
14 cant that is a region shall submit its application  
15 to each State of which any part is included in  
16 the region for review and concurrence prior to  
17 the submission of such application to the Sec-  
18 retary. The regional application shall be trans-  
19 mitted to the Secretary through each such  
20 State not later than 30 days after the date of  
21 its receipt, unless the Governor of such a State  
22 notifies the Secretary, in writing, that such re-  
23 gional application is inconsistent with the  
24 State’s homeland security plan and provides an  
25 explanation of the reasons therefor.

1                   “(C)     DISTRIBUTION     OF     REGIONAL  
2                   AWARDS.—

3                   “(i) IN GENERAL.—If the Secretary  
4                   approves a regional application, the Sec-  
5                   retary shall distribute a regional award to  
6                   the State or States submitting the applica-  
7                   ble regional application under subpara-  
8                   graph (B), and each such State shall, not  
9                   later than the end of the 45-day period be-  
10                  ginning on the day after the date of receiv-  
11                  ing a regional award, pass through to the  
12                  region all covered grant funds or resources  
13                  purchased with such funds, except those  
14                  funds necessary for the State to carry out  
15                  its responsibilities with respect to such re-  
16                  gional application.

17                  “(ii) MINIMUM.—In no such case shall  
18                  the State or States submitting the applica-  
19                  ble regional application under subpara-  
20                  graph (B) pass through to the region less  
21                  than 80 percent of the regional award.

22                  “(D)     CERTIFICATIONS     REGARDING     DIS-  
23                  TRIBUTION OF GRANT FUNDS TO REGIONS.—  
24                  Any State that receives a regional award under  
25                  subparagraph (C) shall certify to the Secretary,

1 by not later than 30 days after the expiration  
2 of the period described in subparagraph (C)(i)  
3 with respect to the grant, that the State has  
4 made available to the region the required funds  
5 and resources in accordance with subparagraph  
6 (C).

7 “(E) DIRECT PAYMENTS TO REGIONS.—If  
8 any State fails to pass through a regional  
9 award to a region as required by subparagraph  
10 (C) within 45 days after receiving such award  
11 and does not request or receive an extension of  
12 such period under section 2006(h)(2), the re-  
13 gion may petition the Secretary to receive di-  
14 rectly the portion of the regional award that is  
15 required to be passed through to such region  
16 under subparagraph (C).

17 “(F) REGIONAL LIAISONS.—A regional li-  
18 aison designated under paragraph (4)(E)(iii)  
19 shall—

20 “(i) coordinate with officials from  
21 Federal, State, local, and regional govern-  
22 ments and private entities within the re-  
23 gion concerning terrorism preparedness;

24 “(ii) develop a process for receiving  
25 input from officials from Federal, State,

1 local, and regional governments and pri-  
 2 vate entities within the region to assist in  
 3 the development of the regional application  
 4 and to improve the region's access to cov-  
 5 ered grants; and

6 “(iii) administer, in consultation with  
 7 officials from State, local, and regional  
 8 governments and private entities within the  
 9 region, covered grants awarded to the re-  
 10 gion.

11 “(6) TRIBAL APPLICATIONS.—

12 “(A) SUBMISSION TO THE STATE OR  
 13 STATES.—To ensure the consistency required  
 14 under subsection (d), an applicant that is a di-  
 15 rectly eligible tribe shall submit its application  
 16 to each State within the boundaries of which  
 17 any part of such tribe is located for direct sub-  
 18 mission to the Department along with the appli-  
 19 cation of such State or States.

20 “(B) OPPORTUNITY FOR STATE COM-  
 21 MENT.—Before awarding any covered grant to  
 22 a directly eligible tribe, the Secretary shall pro-  
 23 vide an opportunity to each State within the  
 24 boundaries of which any part of such tribe is lo-  
 25 cated to comment to the Secretary on the con-

1           sistency of the tribe’s application with the  
2           State’s homeland security plan. Any such com-  
3           ments shall be submitted to the Secretary con-  
4           currently with the submission of the State and  
5           tribal applications.

6           “(C) FINAL AUTHORITY.—The Secretary  
7           shall have final authority to determine the con-  
8           sistency of any application of a directly eligible  
9           tribe with the applicable State homeland secu-  
10          rity plan or plans, and to approve any applica-  
11          tion of such tribe. The Secretary shall notify  
12          each State within the boundaries of which any  
13          part of such tribe is located of the approval of  
14          an application by such tribe.

15          “(D) TRIBAL LIAISON.—A tribal liaison  
16          designated under paragraph (4)(G) shall—

17               “(i) coordinate with officials from  
18               Federal, State, local, and regional govern-  
19               ments and private entities concerning ter-  
20               rorism preparedness;

21               “(ii) develop a process for receiving  
22               input from officials from Federal, State,  
23               local, and regional governments and pri-  
24               vate entities to assist in the development of  
25               the application of such tribe and to im-

1           prove the tribe’s access to covered grants;  
 2           and

3           “(iii) administer, in consultation with  
 4           State, local, and regional governments and  
 5           private officials, covered grants awarded to  
 6           such tribe.

7           “(E) LIMITATION ON THE NUMBER OF DI-  
 8           RECT GRANTS.—The Secretary may make cov-  
 9           ered grants directly to not more than 20 di-  
 10          rectly eligible tribes per fiscal year.

11          “(F) TRIBES NOT RECEIVING DIRECT  
 12          GRANTS.—An Indian tribe that does not receive  
 13          a grant directly under this section is eligible to  
 14          receive funds under a covered grant from the  
 15          State or States within the boundaries of which  
 16          any part of such tribe is located, consistent with  
 17          the homeland security plan of the State as de-  
 18          scribed in subsection (c). If a State fails to  
 19          comply with section 2006(g)(1), the tribe may  
 20          request payment under section 2006(h)(3) in  
 21          the same manner as a local government.

22          “(7) EQUIPMENT STANDARDS.—If an applicant  
 23          for a covered grant proposes to upgrade or purchase,  
 24          with assistance provided under the grant, new equip-  
 25          ment or systems that do not meet or exceed any ap-



1       plicable national voluntary consensus standards es-  
 2       tablished by the Secretary, the applicant shall in-  
 3       clude in the application an explanation of why such  
 4       equipment or systems will serve the needs of the ap-  
 5       plicant better than equipment or systems that meet  
 6       or exceed such standards.

7   **“SEC.       2004.       RISK-BASED       EVALUATION       AND**  
 8       **PRIORITIZATION.**

9       “(a) FIRST RESPONDER GRANTS BOARD.—

10           “(1) ESTABLISHMENT OF BOARD.—The Sec-  
 11       retary shall establish a First Responder Grants  
 12       Board, consisting of—

13                   “(A) the Secretary;

14                   “(B) the Under Secretary for Emergency  
 15       Preparedness and Response;

16                   “(C) the Under Secretary for Border and  
 17       Transportation Security;

18                   “(D) the Under Secretary for Information  
 19       Analysis and Infrastructure Protection;

20                   “(E) the Under Secretary for Science and  
 21       Technology;

22                   “(F) the Director of the Office for Domes-  
 23       tic Preparedness;

24                   “(G) the Administrator of the United  
 25       States Fire Administration; and

1                   “(H) the Administrator of the Animal and  
2                   Plant Health Inspection Service.

3                   “(2) CHAIRMAN.—

4                   “(A) IN GENERAL.—The Secretary shall be  
5                   the Chairman of the Board.

6                   “(B) EXERCISE OF AUTHORITIES BY DEP-  
7                   UTY SECRETARY.—The Deputy Secretary of  
8                   Homeland Security may exercise the authorities  
9                   of the Chairman, if the Secretary so directs.

10                  “(b) FUNCTIONS OF UNDER SECRETARIES.—The  
11                  under secretaries referred to in subsection (a)(1) shall  
12                  seek to ensure that the relevant expertise and input of the  
13                  staff of their directorates are available to and considered  
14                  by the Board.

15                  “(c) PRIORITIZATION OF GRANT APPLICATIONS.—

16                  “(1) FACTORS TO BE CONSIDERED.—The  
17                  Board shall evaluate and annually prioritize all  
18                  pending applications for covered grants based upon  
19                  the degree to which they would, by achieving, main-  
20                  taining, or enhancing the essential capabilities of the  
21                  applicants on a nationwide basis, lessen the threat  
22                  to, vulnerability of, and consequences for persons  
23                  (including transient commuting and tourist popu-  
24                  lations) and critical infrastructure. Such evaluation  
25                  and prioritization shall be based upon the most cur-

1       rent risk assessment available by the Directorate for  
 2       Information Analysis and Infrastructure Protection  
 3       of the threats of terrorism against the United  
 4       States. The Board shall coordinate with State, local,  
 5       regional, and tribal government officials in estab-  
 6       lishing criteria for evaluating and prioritizing appli-  
 7       cations for covered grants.

8               “(2) CRITICAL INFRASTRUCTURE SECTORS.—

9               “(A) IN GENERAL.—The Board specifically  
 10       shall consider threats of terrorism against the  
 11       following critical infrastructure sectors in all  
 12       areas of the United States, urban and rural:

13               “(i) Agriculture and food.

14               “(ii) Banking and finance.

15               “(iii) Chemical industries.

16               “(iv) The defense industrial base.

17               “(v) Emergency services.

18               “(vi) Energy.

19               “(vii) Government facilities.

20               “(viii) Postal and shipping.

21               “(ix) Public health and health care.

22               “(x) Information technology.

23               “(xi) Telecommunications.

24               “(xii) Transportation systems.

25               “(xiii) Water.

1 “(xiv) Dams.

2 “(xv) Commercial facilities.

3 “(xvi) National monuments and icons.

4 “(B) CONSTRUCTION.—The order in which  
5 the critical infrastructure sectors are listed in  
6 subparagraph (A) shall not be construed as an  
7 order of priority for consideration of the impor-  
8 tance of such sectors.

9 “(3) TYPES OF THREAT.—

10 “(A) IN GENERAL.—The Board specifically  
11 shall consider the following types of threat to  
12 the critical infrastructure sectors described in  
13 paragraph (2), and to populations in all areas  
14 of the United States, urban and rural:

15 “(i) Biological threats.

16 “(ii) Nuclear threats.

17 “(iii) Radiological threats.

18 “(iv) Incendiary threats.

19 “(v) Chemical threats.

20 “(vi) Explosives.

21 “(vii) Suicide bombers.

22 “(viii) Cyber threats.

23 “(ix) Any other threats based on prox-  
24 imity to specific past acts of terrorism or  
25 the known activity of any terrorist group.

1                   “(B) CONSTRUCTION.—The order in which  
 2                   the types of threat are listed in subparagraph  
 3                   (A) shall not be construed as an order of pri-  
 4                   ority for consideration of the importance of  
 5                   such threats.

6                   “(4) CONSIDERATION OF ADDITIONAL FAC-  
 7                   TORS.—The Board shall take into account any other  
 8                   specific threat to a population (including a transient  
 9                   commuting or tourist population) or critical infra-  
 10                  structure sector that the Board has determined to  
 11                  exist. In evaluating the threat to a population or  
 12                  critical infrastructure sector, the Board shall give  
 13                  greater weight to threats of terrorism based upon  
 14                  their specificity and credibility, including any pat-  
 15                  tern of repetition.

16                  “(5) MINIMUM AMOUNTS.—After evaluating  
 17                  and prioritizing grant applications under paragraph  
 18                  (1), the Board shall ensure that, for each fiscal  
 19                  year—

20                         “(A) each of the States, other than the  
 21                         Virgin Islands, American Samoa, Guam, and  
 22                         the Northern Mariana Islands, that has an ap-  
 23                         proved State homeland security plan receives  
 24                         not less than 0.25 percent of the funds avail-  
 25                         able for covered grants for that fiscal year for

1 purposes of implementing its homeland security  
2 plan in accordance with the prioritization of  
3 needs under section 2003(c)(1)(D);

4 “(B) each of the States, other than the  
5 Virgin Islands, American Samoa, Guam, and  
6 the Northern Mariana Islands, that has an ap-  
7 proved State homeland security plan and that  
8 meets 1 or both of the additional high-risk  
9 qualifying criteria under paragraph (6) receives  
10 not less than 0.45 percent of the funds avail-  
11 able for covered grants for that fiscal year for  
12 purposes of implementing its homeland security  
13 plan in accordance with the prioritization of  
14 needs under section 2003(c)(1)(D);

15 “(C) the Virgin Islands, American Samoa,  
16 Guam, and the Northern Mariana Islands each  
17 receives not less than 0.08 percent of the funds  
18 available for covered grants for that fiscal year  
19 for purposes of implementing its approved State  
20 homeland security plan in accordance with the  
21 prioritization of needs under section  
22 2003(c)(1)(D); and

23 “(D) directly eligible tribes collectively re-  
24 ceive not less than 0.08 percent of the funds  
25 available for covered grants for such fiscal year

1           for purposes of addressing the needs identified  
 2           in the applications of such tribes, consistent  
 3           with the homeland security plan of each State  
 4           within the boundaries of which any part of any  
 5           such tribe is located, except that this subpara-  
 6           graph shall not apply with respect to funds  
 7           available for a fiscal year if the Secretary re-  
 8           ceives less than 5 applications for such fiscal  
 9           year from such tribes under section  
 10          2003(e)(6)(A) or does not approve at least 1  
 11          such application.

12          “(6) ADDITIONAL HIGH-RISK QUALIFYING CRI-  
 13          TERIA.—For purposes of paragraph (5)(B), addi-  
 14          tional high-risk qualifying criteria consist of—

15               “(A) having a significant international  
 16               land border; or

17               “(B) adjoining a body of water within  
 18               North America through which an international  
 19               boundary line extends.

20          “(d) EFFECT OF REGIONAL AWARDS ON STATE MIN-  
 21          IMUM.—Any regional award, or portion thereof, provided  
 22          to a State under section 2003(e)(5)(C) shall not be consid-  
 23          ered in calculating the minimum State award under sub-  
 24          section (c)(5) of this section.

1   **“SEC. 2005. TASK FORCE ON TERRORISM PREPAREDNESS**  
2                   **FOR FIRST RESPONDERS.**

3           “(a) ESTABLISHMENT.—To assist the Secretary in  
4 updating, revising, or replacing essential capabilities for  
5 terrorism preparedness, the Secretary shall establish an  
6 advisory body pursuant to section 871(a) not later than  
7 60 days after the date of enactment of this section, which  
8 shall be known as the Task Force on Terrorism Prepared-  
9 ness for First Responders.

10          “(b) UPDATE, REVISE, OR REPLACE.—The Secretary  
11 shall regularly update, revise, or replace the essential ca-  
12 pabilities for terrorism preparedness as necessary, but not  
13 less than every 3 years.

14          “(c) REPORT.—

15               “(1) IN GENERAL.—The Task Force shall sub-  
16 mit to the Secretary, by not later than 12 months  
17 after its establishment by the Secretary under sub-  
18 section (a), and not later than every 2 years there-  
19 after, a report on its recommendations for essential  
20 capabilities for terrorism preparedness.

21               “(2) CONTENTS.—Each report under para-  
22 graph (1) shall—

23                   “(A) include a priority ranking of essential  
24 capabilities in order to provide guidance to the  
25 Secretary and to Congress on determining the



1 appropriate allocation of, and funding levels for,  
2 first responder needs;

3 “(B) set forth a methodology by which any  
4 State or local government will be able to deter-  
5 mine the extent to which it possesses or has ac-  
6 cess to the essential capabilities that States and  
7 local governments having similar risks should  
8 obtain;

9 “(C) describe the availability of national  
10 voluntary consensus standards, and whether  
11 there is a need for new national voluntary con-  
12 sensus standards, with respect to first re-  
13 sponder training and equipment;

14 “(D) include such additional matters as  
15 the Secretary may specify in order to further  
16 the terrorism preparedness capabilities of first  
17 responders; and

18 “(E) include such revisions to the contents  
19 of previous reports as are necessary to take into  
20 account changes in the most current risk as-  
21 sessment available by the Directorate for Infor-  
22 mation Analysis and Infrastructure Protection  
23 or other relevant information as determined by  
24 the Secretary.

1           “(3) CONSISTENCY WITH FEDERAL WORKING  
 2           GROUP.—The Task Force shall ensure that its rec-  
 3           ommendations for essential capabilities for terrorism  
 4           preparedness are, to the extent feasible, consistent  
 5           with any preparedness goals or recommendations of  
 6           the Federal working group established under section  
 7           319F(a) of the Public Health Service Act (42 U.S.C.  
 8           247d–6(a)).

9           “(4) COMPREHENSIVENESS.—The Task Force  
 10          shall ensure that its recommendations regarding es-  
 11          sential capabilities for terrorism preparedness are  
 12          made within the context of a comprehensive State  
 13          emergency management system.

14          “(5) PRIOR MEASURES.—The Task Force shall  
 15          ensure that its recommendations regarding essential  
 16          capabilities for terrorism preparedness take into ac-  
 17          count any capabilities that State or local officials  
 18          have determined to be essential and have undertaken  
 19          since September 11, 2001, to prevent, prepare for,  
 20          respond to, or recover from terrorist attacks.

21          “(d) MEMBERSHIP.—

22          “(1) IN GENERAL.—The Task Force shall con-  
 23          sist of 25 members appointed by the Secretary, and  
 24          shall, to the extent practicable, represent a geo-  
 25          graphic (including urban and rural) and substantive

1 cross section of governmental and nongovernmental  
2 first responder disciplines from the State and local  
3 levels, including as appropriate—

4 “(A) members selected from the emergency  
5 response field, including fire service, law en-  
6 forcement, hazardous materials response, emer-  
7 gency medical services, and emergency manage-  
8 ment personnel (including public works per-  
9 sonnel routinely engaged in emergency re-  
10 sponse);

11 “(B) health scientists, emergency and in-  
12 patient medical providers, and public health  
13 professionals (including experts in emergency  
14 health care response to chemical, biological, ra-  
15 diological, and nuclear terrorism and experts in  
16 providing mental health care during emergency  
17 response operations);

18 “(C) experts from Federal, State, and local  
19 governments, and the private sector, rep-  
20 resenting standards-setting organizations (in-  
21 cluding representation from the voluntary con-  
22 sensus codes and standards development com-  
23 munity, particularly those with expertise in first  
24 responder disciplines); and

1           “(D) State and local government officials  
 2           with expertise in terrorism preparedness, sub-  
 3           ject to the condition that if any such official is  
 4           an elected official representing 1 of the 2 major  
 5           political parties, an equal number of elected of-  
 6           ficials shall be selected from each such party.

7           “(2) COORDINATION WITH THE DEPARTMENT  
 8           OF HEALTH AND HEALTH SERVICES.—In the selec-  
 9           tion of members of the Task Force who are health  
 10          professionals, including emergency medical profes-  
 11          sionals, the Secretary shall coordinate such selection  
 12          with the Secretary of Health and Human Services.

13          “(3) EX OFFICIO MEMBERS.—The Secretary  
 14          and the Secretary of Health and Human Services  
 15          shall each designate 1 or more officers of their re-  
 16          spective Departments to serve as ex officio members  
 17          of the Task Force. One of the ex officio members  
 18          from the Department of Homeland Security shall be  
 19          the designated officer of the Federal Government for  
 20          purposes of subsection (e) of section 10 of the Fed-  
 21          eral Advisory Committee Act (5 App. U.S.C.).

22          “(e) APPLICABILITY OF FEDERAL ADVISORY COM-  
 23          MITTEE ACT.—Notwithstanding section 871(a), the Fed-  
 24          eral Advisory Committee Act (5 App. U.S.C.), including  
 25          subsections (a), (b), and (d) of section 10 of such Act,

1 and section 552b(c) of title 5, United States Code, shall  
2 apply to the Task Force.

3 **“SEC. 2006. USE OF FUNDS AND ACCOUNTABILITY RE-**  
4 **QUIREMENTS.**

5 “(a) IN GENERAL.—A covered grant may be used  
6 for—

7 “(1) purchasing or upgrading equipment, in-  
8 cluding computer software, to enhance terrorism  
9 preparedness;

10 “(2) exercises to strengthen terrorism prepared-  
11 ness;

12 “(3) training for prevention (including detec-  
13 tion) of, preparedness for, response to, or recovery  
14 from attacks involving weapons of mass destruction,  
15 including training in the use of equipment and com-  
16 puter software;

17 “(4) developing or updating State homeland se-  
18 curity plans, risk assessments, mutual aid agree-  
19 ments, and emergency management plans to enhance  
20 terrorism preparedness;

21 “(5) establishing or enhancing mechanisms for  
22 sharing terrorism threat information;

23 “(6) systems architecture and engineering, pro-  
24 gram planning and management, strategy formula-  
25 tion and strategic planning, life-cycle systems de-

1 sign, product and technology evaluation, and proto-  
2 type development for terrorism preparedness pur-  
3 poses;

4 “(7) additional personnel costs resulting from—

5 “(A) elevations in the threat alert level of  
6 the Homeland Security Advisory System by the  
7 Secretary, or a similar elevation in threat alert  
8 level issued by a State, region, or local govern-  
9 ment with the approval of the Secretary;

10 “(B) travel to and participation in exer-  
11 cises and training in the use of equipment and  
12 on prevention activities; and

13 “(C) the temporary replacement of per-  
14 sonnel during any period of travel to and par-  
15 ticipation in exercises and training in the use of  
16 equipment and on prevention activities;

17 “(8) the costs of equipment (including software)  
18 required to receive, transmit, handle, and store clas-  
19 sified information;

20 “(9) protecting critical infrastructure against  
21 potential attack by the addition of barriers, fences,  
22 gates, and other such devices, except that the cost  
23 of such measures may not exceed the greater of—

24 “(A) \$1,000,000 per project; or

1           “(B) such greater amount as may be ap-  
2           proved by the Secretary, which may not exceed  
3           10 percent of the total amount of the covered  
4           grant;

5           “(10) the costs of commercially available inter-  
6           operable communications equipment (which, where  
7           applicable, is based on national, voluntary consensus  
8           standards) that the Secretary, in consultation with  
9           the Chairman of the Federal Communications Com-  
10          mission, determines is best suited to facilitate inter-  
11          operability, coordination, and integration between  
12          and among emergency communications systems, and  
13          that complies with prevailing grant guidance of the  
14          Department for interoperable communications;

15          “(11) educational curricula development for  
16          first responders to ensure that they are prepared for  
17          terrorist attacks;

18          “(12) training and exercises to assist public ele-  
19          mentary and secondary schools in developing and  
20          implementing programs to instruct students regard-  
21          ing age-appropriate skills to prevent, prepare for, re-  
22          spond to, mitigate against, or recover from an act of  
23          terrorism;

24          “(13) paying of administrative expenses directly  
25          related to administration of the grant, except that

1       such expenses may not exceed 3 percent of the  
2       amount of the grant;

3           “(14) paying for the conduct of any activity  
4       permitted under the Law Enforcement Terrorism  
5       Prevention Program, or any such successor to such  
6       program; and

7           “(15) other appropriate activities as determined  
8       by the Secretary.

9       “(b) PROHIBITED USES.—Funds provided as a cov-  
10      ered grant may not be used—

11           “(1) to supplant State or local funds;

12           “(2) to construct buildings or other physical fa-  
13      cilities;

14           “(3) to acquire land; or

15           “(4) for any State or local government cost  
16      sharing contribution.

17       “(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this  
18      section shall be construed to preclude State and local gov-  
19      ernments from using covered grant funds in a manner  
20      that also enhances first responder preparedness for emer-  
21      gencies and disasters unrelated to acts of terrorism, if  
22      such use assists such governments in achieving essential  
23      capabilities for terrorism preparedness established by the  
24      Secretary.

25       “(d) REIMBURSEMENT OF COSTS.—



1           “(1) IN GENERAL.—In addition to the activities  
2       described in subsection (a), a covered grant may be  
3       used to provide a reasonable stipend to paid-on-call  
4       or volunteer first responders who are not otherwise  
5       compensated for travel to or participation in training  
6       covered by this section. Any such reimbursement  
7       shall not be considered compensation for purposes of  
8       rendering such a first responder an employee under  
9       the Fair Labor Standards Act of 1938 (29 U.S.C.  
10      201 et seq.).

11          “(2) STATE OR LOCAL GOVERNMENT.—An ap-  
12      plicant for a covered grant may petition the Sec-  
13      retary for the reimbursement of the cost of any ac-  
14      tivity relating to prevention (including detection) of,  
15      preparedness for, response to, or recovery from acts  
16      of terrorism that is a Federal duty and usually per-  
17      formed by a Federal agency, and that is being per-  
18      formed by a State or local government under agree-  
19      ment with a Federal agency.

20          “(e) ASSISTANCE REQUIREMENT.—The Secretary  
21      may not require that equipment paid for, wholly or in part,  
22      with funds provided as a covered grant be made available  
23      for responding to emergencies in surrounding States, re-  
24      gions, and localities, unless the Secretary undertakes to

1 pay the costs directly attributable to transporting and op-  
 2 erating such equipment during such response.

3       “(f) FLEXIBILITY IN UNSPENT HOMELAND SECU-  
 4 RITY GRANT FUNDS.—Upon request by the recipient of  
 5 a covered grant, the Secretary may authorize the grantee  
 6 to transfer all or part of funds provided as the covered  
 7 grant from uses specified in the grant agreement to other  
 8 uses authorized under this section, if the Secretary deter-  
 9 mines that such transfer is in the interests of homeland  
 10 security.

11       “(g) STATE, REGIONAL, AND TRIBAL RESPONSIBIL-  
 12 ITIES.—

13               “(1) PASS-THROUGH.—The Secretary shall re-  
 14 quire a recipient of a covered grant that is a State  
 15 to obligate or otherwise make available to local gov-  
 16 ernments, first responders, and other local groups,  
 17 to the extent required under the State homeland se-  
 18 curity plan or plans specified in the application for  
 19 the grant, not less than 80 percent of the grant  
 20 funds, resources purchased with the grant funds  
 21 having a value equal to at least 80 percent of the  
 22 amount of the grant, or a combination thereof, by  
 23 not later than the end of the 45-day period begin-  
 24 ning on the date the grant recipient receives the  
 25 grant funds.

1 “(2) COST SHARING.—

2 “(A) IN GENERAL.—The Federal share of  
3 the costs of an activity carried out with a cov-  
4 ered grant to a State, region, or directly eligible  
5 tribe awarded after the 2-year period beginning  
6 on the date of enactment of this section shall  
7 not exceed 75 percent.

8 “(B) INTERIM RULE.—The Federal share  
9 of the costs of an activity carried out with a  
10 covered grant awarded before the end of the 2-  
11 year period beginning on the date of enactment  
12 of this section shall be 100 percent.

13 “(C) IN-KIND MATCHING.—Each recipient  
14 of a covered grant may meet the matching re-  
15 quirement under subparagraph (A) by making  
16 in-kind contributions of goods or services that  
17 are directly linked with the purpose for which  
18 the grant is made, including any necessary per-  
19 sonnel overtime, contractor services, administra-  
20 tive costs, equipment fuel and maintenance, and  
21 rental space.

22 “(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—  
23  
24 Not later than 30 days after the expiration of the  
25 period described in paragraph (1) with respect to a

1 grant, any State that receives a covered grant shall  
 2 certify to the Secretary that the State has made  
 3 available for expenditure by local governments, first  
 4 responders, and other local groups the required  
 5 amount of grant funds under paragraph (1).

6 “(4) QUARTERLY REPORT ON HOMELAND SECU-  
 7 RITY SPENDING.—

8 “(A) IN GENERAL.—The Federal share de-  
 9 scribed in paragraph (2)(A) may be increased  
 10 by not more than 2 percent for any State, re-  
 11 gion, or directly eligible tribe that, not later  
 12 than 30 days after the end of each fiscal quar-  
 13 ter, submits to the Secretary a report on that  
 14 fiscal quarter.

15 “(B) CONTENTS.—Each report under sub-  
 16 paragraph (A) shall include, for each recipient  
 17 of a covered grant or a pass-through under  
 18 paragraph (1)—

19 “(i) the amount obligated to that re-  
 20 cipient in that quarter;

21 “(ii) the amount expended by that re-  
 22 cipient in that quarter; and

23 “(iii) a summary description of the  
 24 items purchased by such recipient with  
 25 such amount.

1           “(5) ANNUAL REPORT ON HOMELAND SECUR-  
2           RITY SPENDING.—

3           “(A) IN GENERAL.—Not later than 60  
4           days after the end of each Federal fiscal year,  
5           each recipient of a covered grant shall submit  
6           an annual report to the Secretary. Each recipi-  
7           ent of a covered grant that is a region shall si-  
8           multaneously submit its report to each State of  
9           which any part is included in the region. Each  
10          recipient of a covered grant that is a directly el-  
11          igible tribe shall simultaneously submit its re-  
12          port to each State within the boundaries of  
13          which any part of such tribe is located.

14          “(B) CONTENTS.—Each report submitted  
15          under subparagraph (A) shall:

16               “(i) The amount, ultimate recipients,  
17               and dates of receipt of all funds received  
18               under the grant during the previous fiscal  
19               year.

20               “(ii) The amount and the dates of dis-  
21               bursements of all such funds expended in  
22               compliance with paragraph (1) or pursuant  
23               to mutual aid agreements or other sharing  
24               arrangements that apply within the State,

1 region, or directly eligible tribe, as applica-  
 2 ble, during the previous fiscal year.

3 “(iii) How the funds were utilized by  
 4 each ultimate recipient or beneficiary dur-  
 5 ing the preceding fiscal year.

6 “(iv) The extent to which essential ca-  
 7 pabilities identified in the applicable State  
 8 homeland security plan or plans were  
 9 achieved, maintained, or enhanced as the  
 10 result of the expenditure of grant funds  
 11 during the preceding fiscal year.

12 “(v) The extent to which essential ca-  
 13 pabilities identified in the applicable State  
 14 homeland security plan or plans remain  
 15 unmet.

16 “(6) INCLUSION OF RESTRICTED ANNEXES.—A  
 17 recipient of a covered grant may submit to the Sec-  
 18 retary an annex to the annual report under para-  
 19 graph (5) that is subject to appropriate handling re-  
 20 strictions, if the recipient believes that discussion in  
 21 the report of unmet needs would reveal sensitive but  
 22 unclassified information.

23 “(7) PROVISION OF REPORTS.—The Secretary  
 24 shall ensure that each annual report under para-  
 25 graph (5) is provided to the Under Secretary for

1       Emergency Preparedness and Response and the Di-  
 2       rector of the Office for Domestic Preparedness.

3       “(h) INCENTIVES TO EFFICIENT ADMINISTRATION  
 4 OF HOMELAND SECURITY GRANTS.—

5               “(1) PENALTIES FOR DELAY IN PASSING  
 6 THROUGH LOCAL SHARE.—If a recipient of a cov-  
 7 ered grant that is a State fails to pass through to  
 8 local governments, first responders, and other local  
 9 groups funds or resources required by subsection  
 10 (g)(1) within 45 days after receiving funds under  
 11 the grant, the Secretary may—

12               “(A) reduce grant payments to the grant  
 13 recipient from the portion of grant funds that  
 14 is not required to be passed through under sub-  
 15 section (g)(1);

16               “(B) terminate payment of funds under  
 17 the grant to the recipient, and transfer the ap-  
 18 propriate portion of those funds directly to local  
 19 first responders that were intended to receive  
 20 funding under that grant; or

21               “(C) impose additional restrictions or bur-  
 22 dens on the recipient’s use of funds under the  
 23 grant, which may include—

1 “(i) prohibiting use of such funds to  
2 pay the grant recipient’s grant-related  
3 overtime or other expenses;

4 “(ii) requiring the grant recipient to  
5 distribute to local government beneficiaries  
6 all or a portion of grant funds that are not  
7 required to be passed through under sub-  
8 section (g)(1); or

9 “(iii) for each day that the grant re-  
10 cipient fails to pass through funds or re-  
11 sources in accordance with subsection  
12 (g)(1), reducing grant payments to the  
13 grant recipient from the portion of grant  
14 funds that is not required to be passed  
15 through under subsection (g)(1), except  
16 that the total amount of such reduction  
17 may not exceed 20 percent of the total  
18 amount of the grant.

19 “(2) EXTENSION OF PERIOD.—The Governor of  
20 a State may request in writing that the Secretary  
21 extend the 45-day period under section  
22 2003(e)(5)(E) or paragraph (1) for an additional  
23 15-day period. The Secretary may approve such a  
24 request, and may extend such period for additional  
25 15-day periods, if the Secretary determines that the



1 resulting delay in providing grant funding to the  
 2 local government entities that will receive funding  
 3 under the grant will not have a significant detri-  
 4 mental impact on such entities' terrorism prepared-  
 5 ness efforts.

6 “(3) PROVISION OF NON-LOCAL SHARE TO  
 7 LOCAL GOVERNMENT.—

8 “(A) IN GENERAL.—The Secretary may,  
 9 upon request by a local government, pay to the  
 10 local government a portion of the amount of a  
 11 covered grant awarded to a State in which the  
 12 local government is located, if—

13 “(i) the local government will use the  
 14 amount paid to expedite planned enhance-  
 15 ments to its terrorism preparedness as de-  
 16 scribed in any applicable State homeland  
 17 security plan;

18 “(ii) the State has failed to pass  
 19 through funds or resources in accordance  
 20 with subsection (g)(1); and

21 “(iii) the local government complies  
 22 with subparagraphs (B) and (C).

23 “(B) SHOWING REQUIRED.—To receive a  
 24 payment under this paragraph, a local govern-  
 25 ment shall demonstrate that it—

1 “(i) is identified explicitly as an ultimate recipient or intended beneficiary in  
2 the approved grant application;

3 “(ii) was intended by the grantee to receive a severable portion of the overall  
4 grant for a specific purpose that is identified in the grant application;

5 “(iii) petitioned the grantee for the funds or resources after expiration of the  
6 period within which the funds or resources were required to be passed through under  
7 subsection (g)(1); and

8 “(iv) did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

9 “(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this  
10 paragraph shall not—

11 “(i) affect any payment to another local government under this paragraph;  
12 and

13 “(ii) prejudice consideration of a request for payment under this paragraph  
14 that is submitted by another local government.  
15

1           “(D) DEADLINE FOR ACTION BY SEC-  
 2           RETARY.—The Secretary shall approve or dis-  
 3           approve each request for payment under this  
 4           paragraph by not later than 15 days after the  
 5           date the request is received by the Department.

6           “(i) REPORTS TO CONGRESS.—The Secretary shall  
 7           submit an annual report to Congress by January 31 of  
 8           each year covering the preceding fiscal year—

9           “(1) describing in detail the amount of Federal  
 10          funds provided as covered grants that were directed  
 11          to each State, region, and directly eligible tribe in  
 12          the preceding fiscal year;

13          “(2) containing information on the use of such  
 14          grant funds by grantees; and

15          “(3) describing—

16               “(A) the Nation’s progress in achieving,  
 17               maintaining, and enhancing the essential capa-  
 18               bilities established by the Secretary as a result  
 19               of the expenditure of covered grant funds dur-  
 20               ing the preceding fiscal year; and

21               “(B) an estimate of the amount of expend-  
 22               itures required to attain across the United  
 23               States the essential capabilities established by  
 24               the Secretary.

1 **“SEC. 2007. NATIONAL STANDARDS FOR FIRST RESPONDER**  
2 **EQUIPMENT AND TRAINING.**

3 “(a) EQUIPMENT STANDARDS.—

4 “(1) IN GENERAL.—

5 “(A) DEVELOPMENT AND PROMULGA-  
6 TION.—The Secretary, in consultation with the  
7 Under Secretaries for Emergency Preparedness  
8 and Response and Science and Technology and  
9 the Director of the Office for Domestic Pre-  
10 paredness, shall, not later than 6 months after  
11 the date of enactment of this section, support  
12 the development of, promulgate, and update as  
13 necessary national voluntary consensus stand-  
14 ards for the performance, use, and validation of  
15 first responder equipment for purposes of sec-  
16 tion 2005(e)(7).

17 “(2) CONTENTS.—The standards described in  
18 paragraph (1) shall—

19 “(A) be, to the maximum extent prac-  
20 ticable, consistent with any voluntary consensus  
21 standards in existence on the date of enactment  
22 of this section;

23 “(B) take into account, as appropriate,  
24 new types of terrorism threats that may not  
25 have been contemplated when such existing  
26 standards were developed;

1           “(C) be focused on maximizing interoper-  
2           ability, interchangeability, durability, flexibility,  
3           efficiency, efficacy, portability, sustainability,  
4           and safety; and

5           “(D) cover all appropriate uses of the  
6           equipment.

7           “(3) REQUIRED CATEGORIES.—In carrying out  
8           paragraph (1), the Secretary shall specifically con-  
9           sider the following categories of first responder  
10          equipment:

11           “(A) Thermal imaging equipment.

12           “(B) Radiation detection and analysis  
13          equipment.

14           “(C) Biological detection and analysis  
15          equipment.

16           “(D) Chemical detection and analysis  
17          equipment.

18           “(E) Decontamination and sterilization  
19          equipment.

20           “(F) Personal protective equipment, in-  
21          cluding garments, boots, gloves, and hoods and  
22          other protective clothing.

23           “(G) Respiratory protection equipment.

1           “(H) Interoperable communications, in-  
2           cluding wireless and wireline voice, video, and  
3           data networks.

4           “(I) Explosive mitigation devices and ex-  
5           plosive detection and analysis equipment.

6           “(J) Containment vessels.

7           “(K) Contaminant-resistant vehicles.

8           “(L) Such other equipment for which the  
9           Secretary determines that national voluntary  
10          consensus standards would be appropriate.

11       “(b) TRAINING STANDARDS.—

12           “(1) IN GENERAL.—The Secretary, in consulta-  
13          tion with the Under Secretaries for Emergency Pre-  
14          paredness and Response and Science and Tech-  
15          nology and the Director of the Office for Domestic  
16          Preparedness, shall support the development of, pro-  
17          mulgate, and regularly update as necessary national  
18          voluntary consensus standards for first responder  
19          training carried out with amounts provided under  
20          covered grant programs, that will enable State and  
21          local government first responders to achieve optimal  
22          levels of terrorism preparedness as quickly as prac-  
23          ticable.

1           “(2) PRIORITY.—The standards described in  
2 paragraph (1) shall give priority to providing train-  
3 ing to—

4           “(A) enable first responders to prevent,  
5 prepare for, respond to, mitigate against, and  
6 recover from terrorist threats, including threats  
7 from chemical, biological, nuclear, and radio-  
8 logical weapons and explosive devices capable of  
9 inflicting significant human casualties; and

10           “(B) familiarize first responders with the  
11 proper use of equipment, including software,  
12 developed pursuant to the standards established  
13 under subsection (a).

14           “(3) REQUIRED CATEGORIES.—In carrying out  
15 paragraph (1), the Secretary specifically shall in-  
16 clude the following categories of first responder ac-  
17 tivities:

18           “(A) Regional planning.

19           “(B) Joint exercises.

20           “(C) Intelligence collection, analysis, and  
21 sharing.

22           “(D) Emergency notification of affected  
23 populations.

1                   “(E) Detection of biological, nuclear, radi-  
 2                   ological, and chemical weapons of mass destruc-  
 3                   tion.

4                   “(F) Such other activities for which the  
 5                   Secretary determines that national voluntary  
 6                   consensus training standards would be appro-  
 7                   priate.

8                   “(4) CONSISTENCY.—In carrying out this sub-  
 9                   section, the Secretary shall ensure that the stand-  
 10                  ards described in paragraph (1) are consistent with  
 11                  the principles of emergency preparedness for all haz-  
 12                  ards.

13                  “(c) CONSULTATION WITH STANDARDS ORGANIZA-  
 14                  TIONS.—In establishing national voluntary consensus  
 15                  standards for first responder equipment and training  
 16                  under this section, the Secretary shall consult with rel-  
 17                  evant public and private sector groups, including—

18                   “(1) the National Institute of Standards and  
 19                   Technology;

20                   “(2) the National Fire Protection Association;

21                   “(3) the National Association of County and  
 22                   City Health Officials;

23                   “(4) the Association of State and Territorial  
 24                   Health Officials;



1           “(5) the American National Standards Insti-  
2       tute;

3           “(6) the National Institute of Justice;

4           “(7) the Inter-Agency Board for Equipment  
5       Standardization and Interoperability;

6           “(8) the National Public Health Performance  
7       Standards Program;

8           “(9) the National Institute for Occupational  
9       Safety and Health;

10          “(10) ASTM International;

11          “(11) the International Safety Equipment Asso-  
12       ciation;

13          “(12) the Emergency Management Accredita-  
14       tion Program; and

15          “(13) to the extent the Secretary considers ap-  
16       propriate, other national voluntary consensus stand-  
17       ards development organizations, other interested  
18       Federal, State, and local government agencies, and  
19       other interested persons.

20       “(d) COORDINATION WITH SECRETARY OF HHS.—  
21   In establishing any national voluntary consensus stand-  
22   ards under this section for first responder equipment or  
23   training that involve or relate to health professionals, in-  
24   cluding emergency medical professionals, the Secretary

1 shall coordinate activities under this section with the Sec-  
 2 retary of Health and Human Services.”.

3 (b) DEFINITION OF EMERGENCY RESPONSE PRO-  
 4 VIDERS.—Paragraph (6) of section 2 of the Homeland Se-  
 5 curity Act of 2002 (6 U.S.C. 101(6)) is amended by strik-  
 6 ing “includes” and all that follows and inserting “includes  
 7 Federal, State, and local governmental and nongovern-  
 8 mental emergency public safety, law enforcement, fire,  
 9 emergency response, emergency medical (including hos-  
 10 pital emergency facilities), and related personnel, organi-  
 11 zations, agencies, and authorities.”.

12 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) IN GENERAL.—The Homeland Security Act  
 14 of 2002 (6 U.S.C. 101 et seq.) is amended—

15 (A) by redesignating title XVIII, as added  
 16 by the SAFE Port Act (Public Law 109–347;  
 17 120 Stat. 1884), as title XIX;

18 (B) by redesignating sections 1801  
 19 through 1806, as added by the SAFE Port Act  
 20 (Public Law 109–347; 120 Stat. 1884), as sec-  
 21 tions 1901 through 1906, respectively;

22 (C) in section 1904(a), as so redesignated,  
 23 by striking “section 1802” and inserting “sec-  
 24 tion 1902”; and

1 (D) in section 1906, as so redesignated, by  
 2 striking “section 1802(a)” each place that term  
 3 appears and inserting “section 1902(a)”.

4 (2) TABLE OF CONTENTS.—The table of con-  
 5 tents in section 1(b) of the Homeland Security Act  
 6 of 2002 (6 U.S.C. 101 note) is amended by striking  
 7 the items relating to title XVIII and sections 1801  
 8 through 1806, as added by the SAFE Port Act  
 9 (Public Law 109–347; 120 Stat. 1884), and insert-  
 10 ing the following:

“TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

- “Sec. 1901. Domestic Nuclear Detection Office.
- “Sec. 1902. Mission of Office.
- “Sec. 1903. Hiring authority.
- “Sec. 1904. Testing authority.
- “Sec. 1905. Relationship to other Department entities and Federal agencies.
- “Sec. 1906. Contracting and grant making authorities.

“TITLE XX—FUNDING FOR FIRST RESPONDERS

- “Sec. 2001. Definitions.
- “Sec. 2002. Faster and Smarter Funding for First Responders.
- “Sec. 2003. Covered grant eligibility and criteria.
- “Sec. 2004. Risk-based evaluation and prioritization.
- “Sec. 2005. Task Force on Terrorism Preparedness for First Responders.
- “Sec. 2006. Use of funds and accountability requirements.
- “Sec. 2007. National standards for first responder equipment and training.”.

11 **SEC. 114. SUPERSEDED PROVISION.**

12 This chapter supersedes section 1014(c)(3) of Public  
 13 Law 107–56.

14 **SEC. 115. OVERSIGHT.**

15 The Secretary of Homeland Security shall establish  
 16 within the Office for Domestic Preparedness an Office of  
 17 the Comptroller to oversee the grants distribution process

1 and the financial management of the Office for Domestic  
2 Preparedness.

3 **SEC. 116. GAO REPORT ON AN INVENTORY AND STATUS OF**  
4 **HOMELAND SECURITY FIRST RESPONDER**  
5 **TRAINING.**

6 (a) IN GENERAL.—The Comptroller General of the  
7 United States shall submit to Congress, in accordance  
8 with this section, reports—

9 (1) on the overall inventory and status of first  
10 responder training programs of the Department of  
11 Homeland Security and other departments and  
12 agencies of the Federal Government; and

13 (2) the extent to which such programs are co-  
14 ordinated.

15 (b) CONTENTS OF REPORTS.—The reports under this  
16 section shall include—

17 (1) an assessment of the effectiveness of the  
18 structure and organization of first responder train-  
19 ing programs of the Department of Homeland Secu-  
20 rity and other departments and agencies of the Fed-  
21 eral Government training programs;

22 (2) recommendations to—

23 (A) improve the coordination, structure,  
24 and organization of such training programs;  
25 and

1 (B) increase the availability of training to  
2 first responders who are not able to attend cen-  
3 tralized training programs;

4 (3) the structure and organizational effective-  
5 ness of such programs for first responders in rural  
6 communities;

7 (4) identification of any duplication or redun-  
8 dancy among such programs;

9 (5) a description of the use of State and local  
10 training institutions, universities, centers, and the  
11 National Domestic Preparedness Consortium in de-  
12 signing and providing training;

13 (6) a cost-benefit analysis of the costs and time  
14 required for first responders to participate in train-  
15 ing courses at Federal institutions;

16 (7) an assessment of the approval process for  
17 certifying training courses offered by entities other  
18 than the Department of Homeland Security that are  
19 useful for antiterrorism purposes as eligible for  
20 grants awarded by the Department;

21 (8) a description of the use of Department of  
22 Homeland Security grant funds by States and local  
23 governments to acquire training;

24 (9) an analysis of the feasibility of Federal,  
25 State, and local personnel receiving the training that

1 is necessary to adopt the National Response Plan  
2 and the National Incident Management System; and

3 (10) the role of each first responder training in-  
4 stitution within the Department of Homeland Secu-  
5 rity in the design and implementation of terrorism  
6 preparedness and related training courses for first  
7 responders.

8 (c) DEADLINES.—The Comptroller General shall—

9 (1) submit the report required under subsection  
10 (a)(1) by not later than 60 days after the date of  
11 enactment of this Act; and

12 (2) submit a report on the remainder of the  
13 topics required by this section by not later than 120  
14 days after the date of enactment of this Act.

15 **SEC. 117. REMOVAL OF CIVIL LIABILITY BARRIERS THAT**  
16 **DISCOURAGE THE DONATION OF FIRE EQUIP-**  
17 **MENT TO VOLUNTEER FIRE COMPANIES.**

18 (a) LIABILITY PROTECTION.—A civil action for dam-  
19 ages relating to personal injuries, property damage or loss,  
20 or death caused, after the donation of such equipment,  
21 by fire control or fire rescue equipment donated to a vol-  
22 unteer fire company against the person that donated the  
23 equipment may not be brought in any State or Federal  
24 court.

1 (b) EXCEPTIONS.—Subsection (a) does not apply to  
 2 a person if—

3 (1) the person’s act or omission causing the in-  
 4 jury, damage, loss, or death constitutes gross neg-  
 5 ligence or intentional misconduct; or

6 (2) the person is the manufacturer of the fire  
 7 control or fire rescue equipment.

8 (c) PREEMPTION.—This section preempts the laws of  
 9 any State to the extent that such laws are inconsistent  
 10 with this section, except that notwithstanding subsection  
 11 (b) this section shall not preempt any State law that pro-  
 12 vides additional protection from liability for a person who  
 13 donates fire control or fire rescue equipment to a volunteer  
 14 fire company.

15 (d) DEFINITIONS.—In this section:

16 (1) PERSON.—The term “person” includes any  
 17 governmental or other entity.

18 (2) FIRE CONTROL OR RESCUE EQUIPMENT.—  
 19 The term “fire control or fire rescue equipment” in-  
 20 cludes any fire vehicle, fire fighting tool, communica-  
 21 tions equipment, protective gear, fire hose, or  
 22 breathing apparatus.

23 (3) STATE.—The term “State” includes the  
 24 several States, the District of Columbia, the Com-  
 25 monwealth of Puerto Rico, the Commonwealth of the

Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

(4) VOLUNTEER FIRE COMPANY.—The term “volunteer fire company” means an association of individuals who provide fire protection and other emergency services, where not less than 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

(e) EFFECTIVE DATE.—This section applies only to liability for injury, damage, loss, or death caused by equipment that is donated on or after the date that is 30 days after the date of enactment of this Act.

## **Subtitle B—Transportation Security**

### **SEC. 121. REPORT ON NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.**

(a) REPORT; CERTIFICATION.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall



1 submit to the relevant congressional committees a  
2 report on the recommendations of the 9/11 Commis-  
3 sion and the policy goals of the Intelligence Reform  
4 and Terrorism Prevention Act of 2004 (Public Law  
5 108–458) with respect to completion of a national  
6 strategy for transportation security.

7 (2) CONTENTS.—Each report submitted under  
8 paragraph (1) shall include—

9 (A) a certification by the Secretary of  
10 Transportation that such recommendations  
11 have been implemented and such policy goals  
12 have been achieved; or

13 (B) if the Secretary of Transportation is  
14 unable to make the certification described in  
15 subparagraph (A), a description of—

16 (i) the steps taken to implement such  
17 recommendations and achieve such policy  
18 goals;

19 (ii) when the Secretary expects such  
20 recommendations to be implemented and  
21 such policy goals to be achieved; and

22 (iii) any allocation of resources or  
23 other actions by Congress the Secretary  
24 considers necessary to implement such rec-

1                   ommendations and achieve such policy  
2                   goals.

3           (b) TERMINATION OF DUTY TO REPORT.—The duty  
4 to submit a report under subsection (a) shall terminate  
5 when the Secretary of Transportation submits a certifi-  
6 cation pursuant to subsection (a)(2)(A).

7           (c) GAO REVIEW OF CERTIFICATION.—If the Sec-  
8 retary of Transportation submits a certification pursuant  
9 to subsection (a)(2)(A), not later than 30 days after the  
10 submission of such certification, the Comptroller General  
11 shall submit to the relevant congressional committees a  
12 report on whether the recommendations described in sub-  
13 section (a) have been implemented and whether the policy  
14 goals described in subsection (a) have been achieved.

15 **SEC. 122. REPORT ON AIRLINE PASSENGER**  
16 **PRESCREENING.**

17           (a) REPORT; CERTIFICATION.—

18               (1) IN GENERAL.—Not later than 30 days after  
19 the date of enactment of this Act, and every 30 days  
20 thereafter, the Secretary of Transportation shall  
21 submit to the relevant congressional committees a  
22 report on the recommendations of the 9/11 Commis-  
23 sion and the policy goals of the Intelligence Reform  
24 and Terrorism Prevention Act of 2004 (Public Law

1       108–458) with respect to improving airline pas-  
2       senger prescreening.

3           (2) CONTENTS.—Each report submitted under  
4       paragraph (1) shall include—

5           (A) a certification by the Secretary of  
6       Transportation that such recommendations  
7       have been implemented and such policy goals  
8       have been achieved; or

9           (B) if the Secretary of Transportation is  
10       unable to make the certification described in  
11       subparagraph (A), a description of—

12           (i) the steps taken to implement such  
13       recommendations and achieve such policy  
14       goals;

15           (ii) when the Secretary expects such  
16       recommendations to be implemented and  
17       such policy goals to be achieved; and

18           (iii) any allocation of resources or  
19       other actions by Congress the Secretary  
20       considers necessary to implement such rec-  
21       ommendations and achieve such policy  
22       goals.

23       (b) TERMINATION OF DUTY TO REPORT.—The duty  
24       to submit a report under subsection (a) shall terminate

1 when the Secretary of Transportation submits a certifi-  
 2 cation pursuant to subsection (a)(2)(A).

3 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-  
 4 retary of Transportation submits a certification pursuant  
 5 to subsection (a)(2)(A), not later than 30 days after the  
 6 submission of such certification, the Comptroller General  
 7 shall submit to the relevant congressional committees a  
 8 report on whether the recommendations described in sub-  
 9 section (a) have been implemented and whether the policy  
 10 goals described in subsection (a) have been achieved.

11 **SEC. 123. REPORT ON DETECTION OF EXPLOSIVES AT AIR-**  
 12 **LINE SCREENING CHECKPOINTS.**

13 (a) REPORT; CERTIFICATION.—

14 (1) IN GENERAL.—Not later than 30 days after  
 15 the date of enactment of this Act, and every 30 days  
 16 thereafter, the Secretary of Transportation shall  
 17 submit to the relevant congressional committees a  
 18 report on the recommendations of the 9/11 Commis-  
 19 sion and the policy goals of the Intelligence Reform  
 20 and Terrorism Prevention Act of 2004 (Public Law  
 21 108–458) with respect to the improvement of airline  
 22 screening checkpoints to detect explosives.

23 (2) CONTENTS.—Each report submitted under  
 24 paragraph (1) shall include—

1           (A) a certification by the Secretary of  
2           Transportation that such recommendations  
3           have been implemented and such policy goals  
4           have been achieved; or

5           (B) if the Secretary of Transportation is  
6           unable to make the certification described in  
7           subparagraph (A), a description of—

8                   (i) the steps taken to implement such  
9                   recommendations and achieve such policy  
10                  goals;

11                  (ii) when the Secretary expects such  
12                  recommendations to be implemented and  
13                  such policy goals to be achieved; and

14                  (iii) any allocation of resources or  
15                  other actions by Congress the Secretary  
16                  considers necessary to implement such rec-  
17                  ommendations and achieve such policy  
18                  goals.

19       (b) TERMINATION OF DUTY TO REPORT.—The duty  
20       to submit a report under subsection (a) shall terminate  
21       when the Secretary of Transportation submits a certifi-  
22       cation pursuant to subsection (a)(2)(A).

23       (c) GAO REVIEW OF CERTIFICATION.—If the Sec-  
24       retary of Transportation submits a certification pursuant  
25       to subsection (a)(2)(A), not later than 30 days after the

1 submission of such certification, the Comptroller General  
2 shall submit to the relevant congressional committees a  
3 report on whether the recommendations described in sub-  
4 section (a) have been implemented and whether the policy  
5 goals described in subsection (a) have been achieved.

6 **SEC. 124. REPORT ON COMPREHENSIVE SCREENING PRO-**  
7 **GRAM.**

8 (a) REPORT; CERTIFICATION.—

9 (1) IN GENERAL.—Not later than 30 days after  
10 the date of enactment of this Act, and every 30 days  
11 thereafter, the Secretary of Transportation shall  
12 submit to the relevant congressional committees a  
13 report on the recommendations of the 9/11 Commis-  
14 sion and the policy goals of the Intelligence Reform  
15 and Terrorism Prevention Act of 2004 (Public Law  
16 108–458) with respect to implementation of a com-  
17 prehensive screening program.

18 (2) CONTENTS.—Each report submitted under  
19 paragraph (1) shall include—

20 (A) a certification by the Secretary of  
21 Transportation that such recommendations  
22 have been implemented and such policy goals  
23 have been achieved; or

1 (B) if the Secretary of Transportation is  
2 unable to make the certification described in  
3 subparagraph (A), a description of—

4 (i) the steps taken to implement such  
5 recommendations and achieve such policy  
6 goals;

7 (ii) when the Secretary expects such  
8 recommendations to be implemented and  
9 such policy goals to be achieved; and

10 (iii) any allocation of resources or  
11 other actions by Congress the Secretary  
12 considers necessary to implement such rec-  
13 ommendations and achieve such policy  
14 goals.

15 (b) TERMINATION OF DUTY TO REPORT.—The duty  
16 to submit a report under subsection (a) shall terminate  
17 when the Secretary of Transportation submits a certifi-  
18 cation pursuant to subsection (a)(2)(A).

19 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-  
20 retary of Transportation submits a certification pursuant  
21 to subsection (a)(2)(A), not later than 30 days after the  
22 submission of such certification, the Comptroller General  
23 shall submit to the relevant congressional committees a  
24 report on whether the recommendations described in sub-

1 section (a) have been implemented and whether the policy  
 2 goals described in subsection (a) have been achieved.

3 **SEC. 125. RELEVANT CONGRESSIONAL COMMITTEES DE-**  
 4 **FINED.**

5 In this subtitle, the term “relevant congressional  
 6 committees” means—

7 (1) the Committee on Homeland Security of the  
 8 House of Representatives;

9 (2) the Committee on Oversight and Govern-  
 10 ment Reform of the House of Representatives;

11 (3) the Committee on Transportation and In-  
 12 frastructure of the House of Representatives;

13 (4) the Committee on Homeland Security and  
 14 Government Affairs of the Senate; and

15 (5) the Committee on Environment and Public  
 16 Works of the Senate.

17 **Subtitle C—Border Security**

18 **SEC. 131. COUNTERTERRORIST TRAVEL INTELLIGENCE.**

19 (a) REPORT; CERTIFICATION.—

20 (1) IN GENERAL.—Not later than 30 days after  
 21 the date of enactment of this Act, and every 30 days  
 22 thereafter, the Director of the National  
 23 Counterterrorism Center shall submit to the relevant  
 24 congressional committees a report on the rec-  
 25 ommendations of the 9/11 Commission and the pol-



1        icy goals of the Intelligence Reform and Terrorism  
2        Prevention Act of 2004 (Public Law 108–458) with  
3        respect to improving collection and analysis of intel-  
4        ligence on terrorist travel.

5            (2) CONTENTS.—Each report submitted under  
6        paragraph (1) shall include—

7            (A) a certification that such recommenda-  
8        tions have been implemented and such policy  
9        goals have been achieved; or

10          (B) if the Director of the National  
11        Counterterrorism Center is unable to make the  
12        certification described in subparagraph (A), a  
13        description of—

14            (i) the steps taken to implement such  
15        recommendations and achieve such policy  
16        goals;

17            (ii) when such recommendations are  
18        expected to be implemented and such pol-  
19        icy goals to be achieved; and

20            (iii) any allocation of resources or  
21        other actions by Congress considered nec-  
22        essary to implement such recommendations  
23        and achieve such policy goals.

24          (b) TERMINATION OF DUTY TO REPORT.—The duty  
25        of the Director of the National Counterterrorism Center

1 to submit a report under subsection (a) shall terminate  
2 when the Director submits a certification pursuant to sub-  
3 section (a)(2)(A).

4 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-  
5 tor of the National Counterterrorism submits a certifi-  
6 cation pursuant to subsection (a)(2)(A), not later than 30  
7 days after the submission of such certification, the Comp-  
8 troller General shall submit to the relevant congressional  
9 committees a report on whether the recommendations de-  
10 scribed in subsection (a) have been implemented and  
11 whether the policy goals described in subsection (a) have  
12 been achieved.

13 (d) RELEVANT CONGRESSIONAL COMMITTEES.—For  
14 purposes of this section, the term “relevant congressional  
15 committees” means the following:

16 (1) The Committee on Homeland Security of  
17 the House of Representatives.

18 (2) The Committee on Government Reform of  
19 the House of Representatives.

20 (3) The Committee on Transportation and In-  
21 frastructure of the House of Representatives.

22 (4) The Committee on Homeland Security and  
23 Governmental Affairs of the Senate.

24 (5) The Committee on Environment and Public  
25 Works of the Senate.

1           (6) The Select Committee on Intelligence of the  
2       Senate.

3           (7) The Permanent Select Committee on Intel-  
4       ligence of the House of Representatives.

5   **SEC. 132. COMPREHENSIVE SCREENING SYSTEM.**

6       (a) REPORT; CERTIFICATION.—

7           (1) IN GENERAL.—Not later than 30 days after  
8       the date of enactment of this Act, and every 30 days  
9       thereafter, the Secretary of Homeland Security and  
10      the Secretary of Transportation shall each submit to  
11      the relevant congressional committees a report on  
12      the recommendations of the 9/11 Commission and  
13      the policy goals of the Intelligence Reform and Ter-  
14      rorism Prevention Act of 2004 (Public Law 108–  
15      458) with respect to the establishment of the com-  
16      prehensive screening system described in Presi-  
17      dential Homeland Security Directive 11 (dated Au-  
18      gust 27, 2004).

19          (2) CONTENTS.—Each report submitted under  
20      paragraph (1) shall include—

21           (A) a certification that such recommenda-  
22           tions have been implemented and such policy  
23           goals have been achieved; or

24           (B) if the Secretary of Homeland Security  
25      or the Secretary of Transportation, as the case

1           may be, is unable to make the certification de-  
2           scribed in subparagraph (A), a description of—

3                   (i) the steps taken to implement such  
4           recommendations and achieve such policy  
5           goals;

6                   (ii) when such recommendations are  
7           expected to be implemented and such pol-  
8           icy goals to be achieved; and

9                   (iii) any allocation of resources or  
10          other actions by Congress considered nec-  
11          essary to implement such recommendations  
12          and achieve such policy goals.

13          (b) TERMINATION OF DUTY TO REPORT.—The duty  
14   of the Secretary of Homeland Security to submit a report  
15   under subsection (a) shall terminate when the Secretary  
16   of Homeland Security submits a certification pursuant to  
17   subsection (a)(2)(A). The duty of the Secretary of Trans-  
18   portation to submit a report under subsection (a) shall ter-  
19   minate when the Secretary of Transportation submits a  
20   certification pursuant to subsection (a)(2)(A).

21          (c) GAO REVIEW OF CERTIFICATION.—Not later  
22   than 30 days after the later of the date of submission of  
23   a certification under subsection (a)(2)(A) by the Secretary  
24   of Homeland Security and the submission of such a certifi-  
25   cation by the Secretary of Transportation, the Comptroller

1 General shall submit to the relevant congressional commit-  
 2 tees a report on whether the recommendations described  
 3 in subsection (a) have been implemented and whether the  
 4 policy goals described in subsection (a) have been  
 5 achieved.

6 (d) RELEVANT CONGRESSIONAL COMMITTEES.—For  
 7 purposes of this section, the term “relevant congressional  
 8 committees” means the following:

9 (1) The Committee on Homeland Security of  
 10 the House of Representatives.

11 (2) The Committee on Oversight and Govern-  
 12 ment Reform of the House of Representatives.

13 (3) The Committee on Transportation and In-  
 14 frastructure of the House of Representatives.

15 (4) The Committee on Homeland Security and  
 16 Governmental Affairs of the Senate.

17 (5) The Committee on Environment and Public  
 18 Works of the Senate.

19 **SEC. 133. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.**

20 (a) REPORT; CERTIFICATION.—

21 (1) IN GENERAL.—Not later than 30 days after  
 22 the date of enactment of this Act, and every 30 days  
 23 thereafter, the Secretary of Homeland Security shall  
 24 submit to the relevant congressional committees a  
 25 report on the recommendations of the 9/11 Commis-

1 sion and the policy goals of the Intelligence Reform  
2 and Terrorism Prevention Act of 2004 (Public Law  
3 108–458) with respect to the completion of a bio-  
4 metric entry and exit data system.

5 (2) CONTENTS.—Each report submitted under  
6 paragraph (1) shall include—

7 (A) a certification that such recommenda-  
8 tions have been implemented and such policy  
9 goals have been achieved; or

10 (B) if the Secretary of Homeland Security  
11 is unable to make the certification described in  
12 subparagraph (A), a description of—

13 (i) the steps taken to implement such  
14 recommendations and achieve such policy  
15 goals;

16 (ii) when such recommendations are  
17 expected to be implemented and such pol-  
18 icy goals to be achieved; and

19 (iii) any allocation of resources or  
20 other actions by Congress the Secretary  
21 considers necessary to implement such rec-  
22 ommendations and achieve such policy  
23 goals.

24 (b) TERMINATION OF DUTY TO REPORT.—The duty  
25 to submit a report under subsection (a) shall terminate

1 when the Secretary of Homeland Security submits a cer-  
2 tification pursuant to subsection (a)(2)(A).

3 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-  
4 retary of Homeland Security submits a certification pursu-  
5 ant to subsection (a)(2)(A), not later than 30 days after  
6 the submission of such certification, the Comptroller Gen-  
7 eral shall submit to the relevant congressional committees  
8 a report on whether the recommendations described in  
9 subsection (a) have been implemented and whether the  
10 policy goals described in subsection (a) have been  
11 achieved.

12 (d) RELEVANT CONGRESSIONAL COMMITTEES.—For  
13 purposes of this section, the term “relevant congressional  
14 committees” means the following:

15 (1) The Committee on Homeland Security of  
16 the House of Representatives.

17 (2) The Committee on Oversight and Govern-  
18 ment Reform of the House of Representatives.

19 (3) The Committee on the Judiciary of the  
20 House of Representatives.

21 (4) The Committee on Homeland Security and  
22 Governmental Affairs of the Senate.

23 (5) The Committee on the Judiciary of the Sen-  
24 ate.

1 **SEC. 134. INTERNATIONAL COLLABORATION ON BORDER**  
2 **AND DOCUMENT SECURITY.**

3 (a) REPORT; CERTIFICATION.—

4 (1) IN GENERAL.—Not later than 30 days after  
5 the date of enactment of this Act, and every 30 days  
6 thereafter, the Secretary of Homeland Security and  
7 the Secretary of State shall each submit to the rel-  
8 evant congressional committees a report on the rec-  
9 ommendations of the 9/11 Commission and the pol-  
10 icy goals of the Intelligence Reform and Terrorism  
11 Prevention Act of 2004 (Public Law 108–458) with  
12 respect to international collaboration on border and  
13 document security.

14 (2) CONTENTS.—Each report submitted under  
15 paragraph (1) shall include—

16 (A) a certification that such recommenda-  
17 tions have been implemented and such policy  
18 goals have been achieved; or

19 (B) if the Secretary of Homeland Security  
20 or the Secretary of State, as the case may be,  
21 is unable to make the certification described in  
22 subparagraph (A), a description of—

23 (i) the steps taken to implement such  
24 recommendations and achieve such policy  
25 goals;



- 1                   (ii) when such recommendations are  
2                   expected to be implemented and such pol-  
3                   icy goals to be achieved; and  
4                   (iii) any allocation of resources or  
5                   other actions by Congress considered nec-  
6                   essary to implement such recommendations  
7                   and achieve such policy goals.

8           (b) TERMINATION OF DUTY TO REPORT.—The duty  
9 of the Secretary of Homeland Security to submit a report  
10 under subsection (a) shall terminate when the Secretary  
11 of Homeland Security submits a certification pursuant to  
12 subsection (a)(2)(A). The duty of the Secretary of State  
13 to submit a report under subsection (a) shall terminate  
14 when the Secretary of State submits a certification pursu-  
15 ant to subsection (a)(2)(A).

16          (c) GAO REVIEW OF CERTIFICATION.—Not later  
17 than 30 days after the later of the date of submission of  
18 a certification under subsection (a)(2)(A) by the Secretary  
19 of Homeland Security and the submission of such a certifi-  
20 cation by the Secretary of State, the Comptroller General  
21 shall submit to the relevant congressional committees a  
22 report on whether the recommendations described in sub-  
23 section (a) have been implemented and whether the policy  
24 goals described in subsection (a) have been achieved.

1       (d) WATCH LIST.—The Comptroller General shall  
 2 submit to the relevant congressional committees a report  
 3 assessing the sharing of the consolidated and integrated  
 4 terrorist watch list maintained by the Federal Government  
 5 with countries designated to participate in the visa waiver  
 6 program established under section 217 of the Immigration  
 7 and Nationality Act (8 U.S.C. 1187).

8       (e) FINGERPRINTING IN DOMESTIC AND FOREIGN  
 9 PASSPORTS.—

10           (1) USE IN UNITED STATES PASSPORTS.—

11               (A) IN GENERAL.—Section 215(b) of the  
 12 Immigration and Nationality Act (8 U.S.C.  
 13 1185(b)) is amended by inserting after “pass-  
 14 port” the following: “that contains the finger-  
 15 prints of the citizen involved”.

16               (B) EFFECTIVE DATE.—The amendment  
 17 made by subparagraph (A) shall apply to pass-  
 18 ports issued on or after the date that is 90 days  
 19 after the date of enactment of this Act.

20           (2) USE IN FOREIGN PASSPORTS.—

21               (A) IN GENERAL.—Section 212(a)(7) of  
 22 such Act (8 U.S.C. 1182(a)(7)) is amended by  
 23 adding at the end the following new subpara-  
 24 graph:

1           “(C) REQUIREMENT FOR FINGERPRINTS  
2           ON PASSPORTS.—No passport of an alien shall  
3           be considered valid for purposes of subpara-  
4           graph (A) or (B) unless the passport contains  
5           the fingerprints of the alien.”.

6           (B) EFFECTIVE DATE.—The amendment  
7           made by subparagraph (A) shall apply to aliens  
8           applying for admission to the United States on  
9           or after the date that is 90 days after the date  
10          of enactment of this Act.

11          (f) RELEVANT CONGRESSIONAL COMMITTEES.—For  
12          purposes of this section, the term “relevant congressional  
13          committees” means the following:

14               (1) The Committee on Homeland Security of  
15               the House of Representatives.

16               (2) The Committee on Oversight and Govern-  
17               ment Reform of the House of Representatives.

18               (3) The Committee on the Foreign Affairs of  
19               the House of Representatives.

20               (4) The Committee on the Judiciary of the  
21               House of Representatives.

22               (5) The Committee on Homeland Security and  
23               Governmental Affairs of the Senate.

24               (6) The Committee on the Judiciary of the Sen-  
25               ate.

1           (7) The Committee on Foreign Relations of the  
2       Senate.

3   **SEC. 135. STANDARDIZATION OF SECURE IDENTIFICATION.**

4       (a) REPORT; CERTIFICATION.—

5           (1) IN GENERAL.—Not later than 30 days after  
6       the date of enactment of this Act, and every 30 days  
7       thereafter, the Secretary of Homeland Security and  
8       the Secretary of Health and Human Services shall  
9       each submit to the relevant congressional commit-  
10      tees a report on the recommendations of the 9/11  
11      Commission and the policy goals of the Intelligence  
12      Reform and Terrorism Prevention Act of 2004  
13      (Public Law 108–458) with respect to the establish-  
14      ment of standardization of secure identification.

15          (2) CONTENTS.—Each report submitted under  
16      paragraph (1) shall include—

17           (A) a certification that such recommenda-  
18           tions have been implemented and such policy  
19           goals have been achieved; or

20           (B) if the Secretary of Homeland Security  
21           or the Secretary of Health and Human Serv-  
22           ices, as the case may be, is unable to make the  
23           certification described in subparagraph (A), a  
24           description of—

1 (i) the steps taken to implement such  
 2 recommendations and achieve such policy  
 3 goals;

4 (ii) when such recommendations are  
 5 expected to be implemented and such pol-  
 6 icy goals to be achieved; and

7 (iii) any allocation of resources or  
 8 other actions by Congress the Secretary  
 9 considers necessary to implement such rec-  
 10 ommendations and achieve such policy  
 11 goals.

12 (b) TERMINATION OF DUTY TO REPORT.—The duty  
 13 to submit a report under subsection (a) shall terminate—

14 (1) for the Secretary of Homeland Security,  
 15 when the Secretary of Homeland Security submits a  
 16 certification pursuant to subsection (a)(2)(A); and

17 (2) for the Secretary of Health and Human  
 18 Services, when the Secretary of Health and Human  
 19 Services submits a certification pursuant to sub-  
 20 section (a)(2)(A).

21 (c) GAO REVIEW OF CERTIFICATION.—Not later  
 22 than 30 days after the later of the date of submission of  
 23 a certification under subsection (a)(2)(A) by the Secretary  
 24 of Homeland Security and the submission of such a certifi-  
 25 cation by the Secretary of Health and Human Services,

1 the Comptroller General shall submit to the relevant con-  
 2 gressional committees a report on whether the rec-  
 3 ommendations described in subsection (a) have been im-  
 4 plemented and whether the policy goals described in sub-  
 5 section (a) have been achieved.

6 (d) RELEVANT CONGRESSIONAL COMMITTEES.—For  
 7 purposes of this section, the term “relevant congressional  
 8 committees” means the following:

9 (1) The Committee on Homeland Security of  
 10 the House of Representatives.

11 (2) The Committee on Oversight and Govern-  
 12 ment Reform of the House of Representatives.

13 (3) The Committee on the Judiciary of the  
 14 House of Representatives.

15 (4) The Committee on Ways and Means of the  
 16 House of Representatives.

17 (5) The Committee on Finance of the Senate.

18 (6) The Committee on Homeland Security and  
 19 Governmental Affairs of the Senate.

20 **SEC. 136. SECURITY ENHANCEMENTS FOR SOCIAL SECU-**  
 21 **RITY CARDS.**

22 (a) REPORT; CERTIFICATION.—

23 (1) IN GENERAL.—Not later than 30 days after  
 24 the date of enactment of this Act, and every 30 days  
 25 thereafter, the Commissioner of Social Security shall

1 submit to the relevant congressional committees a  
 2 report on the recommendations of the 9/11 Commis-  
 3 sion and the policy goals of the Intelligence Reform  
 4 and Terrorism Prevention Act of 2004 (Public Law  
 5 108–458) with respect to security enhancements for  
 6 social security cards and the implementation of sec-  
 7 tion 205(c)(2)(C)(iv)(II) of the Social Security Act  
 8 (42 U.S.C. 405(c)(2)(C)(iv)(II)) (as added by sec-  
 9 tion 7214 of the Intelligence Reform and Terrorism  
 10 Prevention Act of 2004 (Public Law 108–458)).

11 (2) CONTENTS.—Each report submitted under  
 12 paragraph (1) shall include—

13 (A) a certification that such recommenda-  
 14 tions have been implemented and such policy  
 15 goals have been achieved; or

16 (B) if the Commissioner of Social Security  
 17 is unable to make the certification described in  
 18 subparagraph (A), a description of—

19 (i) the steps taken to implement such  
 20 recommendations and achieve such policy  
 21 goals;

22 (ii) when such recommendations are  
 23 expected to be implemented and such pol-  
 24 icy goals to be achieved; and

1 (iii) any allocation of resources or  
2 other actions by Congress the Commis-  
3 sioner considers necessary to implement  
4 such recommendations and achieve such  
5 policy goals.

6 (b) TERMINATION OF DUTY TO REPORT.—The duty  
7 to submit a report under subsection (a) shall terminate  
8 when the Commissioner of Social Security submits a cer-  
9 tification pursuant to subsection (a)(2)(A).

10 (c) GAO REVIEW OF CERTIFICATION.—If the Com-  
11 missioner of Social Security submits a certification pursu-  
12 ant to subsection (a)(2)(A), not later than 30 days after  
13 the submission of such certification, the Comptroller Gen-  
14 eral shall submit to the relevant congressional committees  
15 a report on whether the recommendations described in  
16 subsection (a) have been implemented and whether the  
17 policy goals described in subsection (a) have been  
18 achieved.

19 (d) RELEVANT CONGRESSIONAL COMMITTEES.—For  
20 purposes of this section, the term “relevant congressional  
21 committees” means the following:

22 (1) The Committee on Homeland Security of  
23 the House of Representatives.

24 (2) The Committee on Oversight and Govern-  
25 ment Reform of the House of Representatives.



1           (3) The Committee on the Judiciary of the  
2       House of Representatives.

3           (4) The Committee on Ways and Means of the  
4       House of Representatives.

5           (5) The Committee on Finance of the Senate.

6           (6) The Committee on Homeland Security and  
7       Governmental Affairs of the Senate.

8           **TITLE II—REFORMING THE**  
9       **INSTITUTIONS OF GOVERNMENT**  
10           **Subtitle A—Intelligence**  
11           **Community**

12       **SEC. 201. REPORT ON DIRECTOR OF NATIONAL INTEL-**  
13           **LIGENCE.**

14       (a) REPORT; CERTIFICATION.—

15           (1) IN GENERAL.—Not later than 30 days after  
16       the date of enactment of this Act, and every 30 days  
17       thereafter, the Director of National Intelligence shall  
18       submit to the relevant congressional committees a  
19       report on the recommendations of the 9/11 Commis-  
20       sion and the policy goals of the Intelligence Reform  
21       and Terrorism Prevention Act of 2004 (Public Law  
22       108–458) with respect to the Director of National  
23       Intelligence.

24           (2) CONTENTS.—Each report submitted under  
25       paragraph (1) shall include—

1 (A) a certification by the Director of Na-  
2 tional Intelligence that such recommendations  
3 have been implemented and such policy goals  
4 have been achieved; or

5 (B) if the Director of National Intelligence  
6 is unable to make the certification described in  
7 subparagraph (A), a description of—

8 (i) the steps taken to implement such  
9 recommendations and achieve such policy  
10 goals;

11 (ii) when the Director of National In-  
12 telligence expects such recommendations to  
13 be implemented and such policy goals to be  
14 achieved; and

15 (iii) any allocation of resources or  
16 other actions by Congress the Director  
17 considers necessary to implement such rec-  
18 ommendations and achieve such policy  
19 goals.

20 (b) TERMINATION OF DUTY TO REPORT.—The duty  
21 to submit a report under subsection (a) shall terminate  
22 when the Director of National Intelligence submits a cer-  
23 tification pursuant to subsection (a)(2)(A).

24 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-  
25 tor of National Intelligence submits a certification pursu-

1 ant to subsection (a)(2)(A), not later than 30 days after  
 2 the submission of such certification, the Comptroller Gen-  
 3 eral shall submit to the relevant congressional committees  
 4 a report on whether the recommendations described in  
 5 subsection (a) have been implemented and whether the  
 6 policy goals described in subsection (a) have been  
 7 achieved.

8 (d) GAO REPORT ON DNI EXERCISE OF AUTHOR-  
 9 ITY.—

10 (1) ANNUAL REPORT.—Not later than 90 days  
 11 after the date of enactment of this Act, and annually  
 12 thereafter, the Comptroller General shall submit to  
 13 the relevant congressional committees a report on  
 14 whether—

15 (A) the Director of National Intelligence  
 16 has been able to properly exercise the authority  
 17 of the Office of the Director of National Intel-  
 18 ligence, including budget and personnel author-  
 19 ity; and

20 (B) information sharing among the intel-  
 21 ligence community is a high priority.

22 (2) TERMINATION.—The duty to submit a re-  
 23 port under paragraph (1) shall terminate when the  
 24 Comptroller General certifies to the relevant con-  
 25 gressional committees that the recommendations of

1 the 9/11 Commission and the policy goals of the In-  
2 telligence Reform and Terrorism Prevention Act of  
3 2004 (Public Law 108–458) with respect to the Di-  
4 rector of National Intelligence have been achieved.

5 **SEC. 202. REPORT ON NATIONAL COUNTERTERRORISM**  
6 **CENTER.**

7 (a) REPORT; CERTIFICATION.—

8 (1) IN GENERAL.—Not later than 30 days after  
9 the date of enactment of this Act, and every 30 days  
10 thereafter, the Director of National Intelligence shall  
11 submit to the relevant congressional committees a  
12 report on the recommendations of the 9/11 Commis-  
13 sion and the policy goals of the Intelligence Reform  
14 and Terrorism Prevention Act of 2004 (Public Law  
15 108–458) with respect to the establishment of a Na-  
16 tional Counterterrorism Center.

17 (2) CONTENTS.—Each report submitted under  
18 paragraph (1) shall include—

19 (A) a certification by the Director of Na-  
20 tional Intelligence that such recommendations  
21 have been implemented and such policy goals  
22 have been achieved; or

23 (B) if the Director of National Intelligence  
24 is unable to make the certification described in  
25 subparagraph (A), a description of—

1 (i) the steps taken to implement such  
2 recommendations and achieve such policy  
3 goals;

4 (ii) when the Director of National In-  
5 telligence expects such recommendations to  
6 be implemented and such policy goals to be  
7 achieved; and

8 (iii) any allocation of resources or  
9 other actions by Congress the Director  
10 considers necessary to implement such rec-  
11 ommendations and achieve such policy  
12 goals.

13 (b) TERMINATION OF DUTY TO REPORT.—The duty  
14 to submit a report under subsection (a) shall terminate  
15 when the Director of National Intelligence submits a cer-  
16 tification pursuant to subsection (a)(2)(A).

17 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-  
18 tor of National Intelligence submits a certification pursu-  
19 ant to subsection (a)(2)(A), not later than 30 days after  
20 the submission of such certification, the Comptroller Gen-  
21 eral shall submit to the relevant congressional committees  
22 a report on whether the recommendations described in  
23 subsection (a) have been implemented and whether the  
24 policy goals described in subsection (a) have been  
25 achieved.

1 **SEC. 203. REPORT ON CREATION OF A FEDERAL BUREAU**  
2 **OF INVESTIGATION NATIONAL SECURITY**  
3 **WORKFORCE.**

4 (a) REPORT; CERTIFICATION.—

5 (1) IN GENERAL.—Not later than 30 days after  
6 the date of enactment of this Act, and every 30 days  
7 thereafter, the Director of the Federal Bureau of In-  
8 vestigation shall submit to the relevant congressional  
9 committees a report on the recommendations of the  
10 9/11 Commission and the policy goals of the Intel-  
11 ligence Reform and Terrorism Prevention Act of  
12 2004 (Public Law 108–458) with respect to the cre-  
13 ation of a Federal Bureau of Investigation national  
14 security workforce.

15 (2) CONTENTS.—Each report submitted under  
16 paragraph (1) shall include—

17 (A) a certification by the Director of the  
18 Federal Bureau of Investigation that such rec-  
19 ommendations have been implemented and such  
20 policy goals have been achieved; or

21 (B) if the Director of the Federal Bureau  
22 of Investigation is unable to make the certifi-  
23 cation described in subparagraph (A), a de-  
24 scription of—

1 (i) the steps taken to implement such  
2 recommendations and achieve such policy  
3 goals;

4 (ii) when the Director of the Federal  
5 Bureau of Investigation expects such rec-  
6 ommendations to be implemented and such  
7 policy goals to be achieved; and

8 (iii) any allocation of resources or  
9 other actions by Congress the Director of  
10 the Federal Bureau of Investigation con-  
11 siders necessary to implement such rec-  
12 ommendations and achieve such policy  
13 goals.

14 (b) TERMINATION OF DUTY TO REPORT.—The duty  
15 to submit a report under subsection (a) shall terminate  
16 when the Director of the Federal Bureau of Investigation  
17 submits a certification pursuant to subsection (a)(2)(A).

18 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-  
19 tor of the Federal Bureau of Investigation submits a cer-  
20 tification pursuant to subsection (a)(2)(A), not later than  
21 30 days after the submission of such certification, the  
22 Comptroller General shall submit to the relevant congres-  
23 sional committees a report on whether the recommenda-  
24 tions described in subsection (a) have been implemented

1 and whether the policy goals described in subsection (a)  
2 have been achieved.

3 (d) GAO REPORT ON CREATION OF FBI NATIONAL  
4 SECURITY WORKFORCE.—

5 (1) ANNUAL REPORT.—Not later than 90 days  
6 after the date of enactment of this Act, and annually  
7 thereafter, the Comptroller General shall submit to  
8 the relevant congressional committees a report on  
9 whether—

10 (A) there is a sense of urgency within the  
11 Federal Bureau of Investigation to create a na-  
12 tional security workforce to carry out the do-  
13 mestic counterterrorism mission of the Federal  
14 Bureau of Investigation;

15 (B) the Federal Bureau of Investigation is  
16 on track to create such a workforce; and

17 (C) the culture of the Federal Bureau of  
18 Investigation allows the Federal Bureau of In-  
19 vestigation to meet its new challenges and suc-  
20 ceed in its counterterrorism role.

21 (2) TERMINATION.—The duty to submit a re-  
22 port under paragraph (1) shall terminate when the  
23 Comptroller General certifies to the relevant con-  
24 gressional committees that the recommendations of  
25 the 9/11 Commission and the policy goals of the In-



1       telligence Reform and Terrorism Prevention Act of  
2       2004 (Public Law 108–458) with respect to the cre-  
3       ation of a Federal Bureau of Investigation national  
4       security workforce have been achieved.

5   **SEC. 204. REPORT ON NEW MISSIONS FOR THE DIRECTOR**  
6                   **OF THE CENTRAL INTELLIGENCE AGENCY.**

7       (a) REPORT; CERTIFICATION.—

8           (1) IN GENERAL.—Not later than 30 days after  
9       the date of enactment of this Act, and every 30 days  
10      thereafter, the Director of National Intelligence shall  
11      submit to the relevant congressional committees a  
12      report on the recommendations of the 9/11 Commis-  
13      sion and the policy goals of the Intelligence Reform  
14      and Terrorism Prevention Act of 2004 (Public Law  
15      108–458) with respect to the new mission of the Di-  
16      rector of the Central Intelligence Agency.

17      (2) CONTENTS.—Each report submitted under  
18      paragraph (1) shall include—

19           (A) a certification by the Director of Na-  
20      tional Intelligence that such recommendations  
21      have been implemented and such policy goals  
22      have been achieved; or

23           (B) if the Director of National Intelligence  
24      is unable to make the certification described in  
25      subparagraph (A), a description of—

1 (i) the steps taken to implement such  
2 recommendations and achieve such policy  
3 goals;

4 (ii) when the Director of National In-  
5 telligence expects such recommendations to  
6 be implemented and such policy goals to be  
7 achieved; and

8 (iii) any allocation of resources or  
9 other actions by Congress the Director  
10 considers necessary to implement such rec-  
11 ommendations and achieve such policy  
12 goals.

13 (b) TERMINATION OF DUTY TO REPORT.—The duty  
14 to submit a report under subsection (a) shall terminate  
15 when the Director of National Intelligence submits a cer-  
16 tification pursuant to subsection (a)(2)(A).

17 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-  
18 tor of National Intelligence submits a certification pursu-  
19 ant to subsection (a)(2)(A), not later than 30 days after  
20 the submission of such certification, the Comptroller Gen-  
21 eral shall submit to the relevant congressional committees  
22 a report on whether the recommendations described in  
23 subsection (a) have been implemented and whether the  
24 policy goals described in subsection (a) have been  
25 achieved.

1 (d) GAO REPORT ON DIRECTOR OF THE CENTRAL  
2 INTELLIGENCE AGENCY.—

3 (1) ANNUAL REPORT.—Not later than 90 days  
4 after the date of enactment of this Act, and annually  
5 thereafter, the Comptroller General shall submit to  
6 the relevant congressional committees a report on  
7 whether the Director of the Central Intelligence  
8 Agency has strong, determined leadership committed  
9 to accelerating the pace of the reforms underway.

10 (2) TERMINATION.—The duty to submit a re-  
11 port under paragraph (1) shall terminate when the  
12 Comptroller General certifies to the relevant con-  
13 gressional committees that the recommendations of  
14 the 9/11 Commission and the policy goals of the In-  
15 telligence Reform and Terrorism Prevention Act of  
16 2004 (Public Law 108–458) with respect to the Di-  
17 rector of the Central Intelligence Agency have been  
18 achieved.

19 (e) SENSE OF CONGRESS.—It is the sense of Con-  
20 gress that Congress and the leadership of the Central In-  
21 telligence Agency should—

22 (1) regularly evaluate the effectiveness of the  
23 national clandestine service structure to determine if  
24 it improves coordination of human intelligence collec-

1       tion operations and produces better intelligence re-  
2       sults; and

3               (2) address morale and personnel issues at the  
4       Central Intelligence Agency to ensure the Central  
5       Intelligence Agency remains an effective arm of na-  
6       tional power.

7   **SEC. 205. REPORT ON INCENTIVES FOR INFORMATION**  
8               **SHARING.**

9       (a) REPORT; CERTIFICATION.—

10           (1) IN GENERAL.—Not later than 30 days after  
11       the date of enactment of this Act, and every 30 days  
12       thereafter, the Director of the Office of Management  
13       and Budget, in consultation with the Director of Na-  
14       tional Intelligence, shall submit to the relevant con-  
15       gressional committees a report on the recommenda-  
16       tions of the 9/11 Commission and the policy goals of  
17       the Intelligence Reform and Terrorism Prevention  
18       Act of 2004 (Public Law 108–458) with respect to  
19       the creation of incentives for information sharing  
20       across the Federal Government and with State and  
21       local authorities.

22           (2) CONTENTS.—Each report submitted under  
23       paragraph (1) shall include—

24               (A) a certification by the Director of the  
25       Office of Management and Budget that such

1 recommendations have been implemented and  
2 such policy goals have been achieved; or

3 (B) if the Director of the Office of Man-  
4 agement and Budget is unable to make the cer-  
5 tification described in subparagraph (A), a de-  
6 scription of—

7 (i) the steps taken to implement such  
8 recommendations and achieve such policy  
9 goals;

10 (ii) when the Director of National In-  
11 telligence expects such recommendations to  
12 be implemented and such policy goals to be  
13 achieved; and

14 (iii) any allocation of resources or  
15 other actions by Congress the Director  
16 considers necessary to implement such rec-  
17 ommendations and achieve such policy  
18 goals.

19 (b) TERMINATION OF DUTY TO REPORT.—The duty  
20 to submit a report under subsection (a) shall terminate  
21 when the Director of the Office of Management and Budg-  
22 et submits a certification pursuant to subsection  
23 (a)(2)(A).

24 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-  
25 tor of the Office of Management and Budget submits a

1 certification pursuant to subsection (a)(2)(A), not later  
 2 than 30 days after the submission of such certification,  
 3 the Comptroller General shall submit to the relevant con-  
 4 gressional committees a report on whether the rec-  
 5 ommendations described in subsection (a) have been im-  
 6 plemented and whether the policy goals described in sub-  
 7 section (a) have been achieved.

8 **SEC. 206. REPORT ON PRESIDENTIAL LEADERSHIP OF NA-**  
 9 **TIONAL SECURITY INSTITUTIONS IN THE IN-**  
 10 **FORMATION REVOLUTION.**

11 (a) REPORT; CERTIFICATION.—

12 (1) IN GENERAL.—Not later than 30 days after  
 13 the date of enactment of this Act, and every 30 days  
 14 thereafter, the Director of the Office of Management  
 15 and Budget, in consultation with the Director of Na-  
 16 tional Intelligence, shall submit to the relevant con-  
 17 gressional committees a report on the recommenda-  
 18 tions of the 9/11 Commission and the policy goals of  
 19 the Intelligence Reform and Terrorism Prevention  
 20 Act of 2004 (Public Law 108–458) with respect to  
 21 the leadership of the President of national security  
 22 institutions into the information revolution.

23 (2) CONTENTS.—Each report submitted under  
 24 paragraph (1) shall include—

1 (A) a certification by the Director of the  
2 Office of Management and Budget that such  
3 recommendations have been implemented and  
4 such policy goals have been achieved; or

5 (B) if the Director of the Office of Man-  
6 agement and Budget is unable to make the cer-  
7 tification described in subparagraph (A), a de-  
8 scription of—

9 (i) the steps taken to implement such  
10 recommendations and achieve such policy  
11 goals;

12 (ii) when the Director of the Office of  
13 Management and Budget expects such rec-  
14 ommendations to be implemented and such  
15 policy goals to be achieved; and

16 (iii) any allocation of resources or  
17 other actions by Congress the Director  
18 considers necessary to implement such rec-  
19 ommendations and achieve such policy  
20 goals.

21 (b) TERMINATION OF DUTY TO REPORT.—The duty  
22 to submit a report under subsection (a) shall terminate  
23 when the Director of the Office of Management and Budg-  
24 et submits a certification pursuant to subsection  
25 (a)(2)(A).

1       (c) GAO REVIEW OF CERTIFICATION.—If the Direc-  
2       tor of the Office of Management and Budget submits a  
3       certification pursuant to subsection (a)(2)(A), not later  
4       than 30 days after the submission of such certification,  
5       the Comptroller General shall submit to the relevant con-  
6       gressional committees a report on whether the rec-  
7       ommendations described in subsection (a) have been im-  
8       plemented and whether the policy goals described in sub-  
9       section (a) have been achieved.

10       (d) GAO REPORT ON INFORMATION SYSTEMS.—

11           (1) ANNUAL REPORT.—Not later than 90 days  
12       after the date of enactment of this Act, and annually  
13       thereafter, the Comptroller General shall submit to  
14       the relevant congressional committees a report on  
15       whether the intelligence community has the re-  
16       sources and Presidential support to change informa-  
17       tion systems to enable information sharing, policies  
18       and procedures that compel sharing, and systems of  
19       performance evaluation to inform personnel on how  
20       well they carry out information sharing.

21           (2) TERMINATION.—The duty to submit a re-  
22       port under paragraph (1) shall terminate when the  
23       Comptroller General certifies to the relevant con-  
24       gressional committees that the recommendations of  
25       the 9/11 Commission and the policy goals of the In-



1       telligence Reform and Terrorism Prevention Act of  
2       2004 (Public Law 108–458) with respect to the  
3       leadership of the President of national security insti-  
4       tutions into the information revolution have been  
5       achieved.

6   **SEC. 207. HOMELAND AIRSPACE DEFENSE.**

7       (a) CERTIFICATION.—Not later than 30 days after  
8       the date of enactment of this Act, and every 30 days there-  
9       after, the Secretary of Homeland Security and the Sec-  
10      retary of Defense shall each submit to the specified con-  
11      gressional committees a certification as to whether the  
12      Federal Government has implemented the policy goals of  
13      the Intelligence Reform and Terrorism Prevention Act of  
14      2004 (Public Law 108–458) and the recommendations of  
15      the National Commission on Terrorist Attacks Upon the  
16      United States regarding homeland and airspace defense.  
17      Each Secretary shall include with such certification rec-  
18      ommendations if further congressional action is necessary.  
19      If a Secretary is unable to certify the goal in the first  
20      sentence, the Secretary shall report to the specified com-  
21      mittees what steps have been taken towards implementa-  
22      tion, when implementation can reasonably be expected to  
23      be completed, and whether additional resources or actions  
24      from the Congress are required for implementation.

1 (b) COMPTROLLER GENERAL REPORT.—Within 30  
 2 days of the submission of both certifications under sub-  
 3 section (a), the Comptroller General of the United States  
 4 shall submit to the specified congressional committees a  
 5 report verifying that the policy referred to in that sub-  
 6 section has in fact been implemented and recommenda-  
 7 tions of any additional congressional action necessary to  
 8 implement the goals referred to in that subsection.

9 (c) SPECIFIED CONGRESSIONAL COMMITTEES.—For  
 10 purposes of this section, the term “specified congressional  
 11 committees” means—

12 (1) the Committee on Homeland Security, the  
 13 Committee on Oversight and Government Reform,  
 14 and the Committee on Transportation and Infra-  
 15 structure of the House of Representatives; and

16 (2) the Committee of Homeland Security and  
 17 Governmental Affairs and the Committee on Envi-  
 18 ronment and Public Works of the Senate.

19 **SEC. 208. SEMIANNUAL REPORT ON PLANS AND STRATE-**  
 20 **GIES OF UNITED STATES NORTHERN COM-**  
 21 **MAND FOR DEFENSE OF THE UNITED STATES**  
 22 **HOMELAND.**

23 (a) FINDINGS.—Consistent with the report of the Na-  
 24 tional Commission on Terrorist Attacks Upon the United  
 25 States, Congress makes the following findings:

1           (1) The primary responsibility for national de-  
2       fense is with the Department of Defense and the  
3       secondary responsibility for national defense is with  
4       the Department of Homeland Security, and the two  
5       departments must have clear delineations of respon-  
6       sibility.

7           (2) Before September 11, 2001, the North  
8       American Aerospace Defense Command, which had  
9       responsibility for defending United States airspace  
10      on September 11, 2001—

11                 (A) focused on threats coming from out-  
12      side the borders of the United States; and

13                 (B) had not increased its focus on ter-  
14      rorism within the United States, even though  
15      the intelligence community had gathered intel-  
16      ligence on the possibility that terrorists might  
17      turn to hijacking and even the use of airplanes  
18      as missiles within the United States.

19           (3) The United States Northern Command has  
20      been established to assume responsibility for defense  
21      within the United States.

22           (b) SENSE OF CONGRESS.—It is the sense of Con-  
23      gress that—

24                 (1) the Secretary of Defense should regularly  
25      assess the adequacy of the plans and strategies of

1 the United States Northern Command with a view  
2 to ensuring that the United States Northern Com-  
3 mand is prepared to respond effectively to all mili-  
4 tary and paramilitary threats within the United  
5 States; and

6 (2) the Committee on Armed Services of the  
7 Senate and the Committee on Armed Services of the  
8 House of Representatives should periodically review  
9 and assess the adequacy of those plans and strate-  
10 gies.

11 (c) SEMIANNUAL REPORT.—Not later than 90 days  
12 after the date of the enactment of this Act, and every 180  
13 days thereafter, the Secretary of Defense shall submit to  
14 the Committee on Armed Services of the Senate and the  
15 Committee on Armed Services of the House of Represent-  
16 atives a report describing the plans and strategies of the  
17 United States Northern Command to defend the United  
18 States against military and paramilitary threats within the  
19 United States.

20 **SEC. 209. RELEVANT CONGRESSIONAL COMMITTEES DE-**  
21 **FINED.**

22 In this subtitle, the term “relevant congressional  
23 committees” means the Committee on Homeland Security,  
24 the Committee on Government Reform, and the Perma-  
25 nent Select Committee on Intelligence of the House of

1 Representatives and the Committee on Homeland Security  
2 and Government Affairs and the Select Committee on In-  
3 telligence of the Senate.

4       **Subtitle B—Civil Liberties and**  
5               **Executive Power**

6       **SEC. 211. REPORT ON THE BALANCE BETWEEN SECURITY**  
7               **AND CIVIL LIBERTIES.**

8               (a) REPORT; CERTIFICATION.—

9                       (1) IN GENERAL.—Not later than 30 days after  
10               the date of enactment of this Act, and every 30 days  
11               thereafter, the Attorney General shall submit to the  
12               relevant congressional committees a report on the  
13               recommendations of the 9/11 Commission and the  
14               policy goals of the Intelligence Reform and Ter-  
15               rorism Prevention Act of 2004 (Public Law 108–  
16               458) with respect to the balance between security  
17               and civil liberties.

18                       (2) CONTENTS.—Each report submitted under  
19               paragraph (1) shall include—

20                               (A) a certification by the Attorney General  
21               that such recommendations have been imple-  
22               mented and such policy goals have been  
23               achieved; or

1 (B) if the Attorney General is unable to  
2 make the certification described in subpara-  
3 graph (A), a description of—

4 (i) the steps taken to implement such  
5 recommendations and achieve such policy  
6 goals;

7 (ii) when the Attorney General ex-  
8 pects such recommendations to be imple-  
9 mented and such policy goals to be  
10 achieved; and

11 (iii) any allocation of resources or  
12 other actions by Congress the Attorney  
13 General considers necessary to implement  
14 such recommendations and achieve such  
15 policy goals.

16 (b) TERMINATION OF DUTY TO REPORT.—The duty  
17 to submit a report under subsection (a) shall terminate  
18 when the Attorney General submits a certification pursu-  
19 ant to subsection (a)(2)(A).

20 (c) GAO REVIEW OF CERTIFICATION.—If the Attor-  
21 ney General submits a certification pursuant to subsection  
22 (a)(2)(A), not later than 30 days after the submission of  
23 such certification, the Comptroller General shall submit to  
24 the relevant congressional committees a report on whether  
25 the recommendations described in subsection (a) have

1 been implemented and whether the policy goals described  
2 in subsection (a) have been achieved.

3 **SEC. 212. PRIVACY AND CIVIL LIBERTIES OVERSIGHT**  
4 **BOARD.**

5 (a) **SHORT TITLE.**—This section may be cited as the  
6 “9/11 Commission Civil Liberties Board Act”.

7 (b) **FINDINGS.**—Congress finds the following:

8 (1) On July 22, 2004, the National Commission  
9 on Terrorist Attacks Upon the United States issued  
10 a report that included 41 specific recommendations  
11 to help prevent future terrorist attacks, including de-  
12 tails of a global strategy and government reorganiza-  
13 tion necessary to implement that strategy.

14 (2) One of the recommendations focused on the  
15 protections of civil liberties. Specifically the following  
16 recommendation was made: “At this time of in-  
17 creased and consolidated government authority,  
18 there should be a board within the executive branch  
19 to oversee adherence to the guidelines we rec-  
20 ommend and the commitment the government makes  
21 to defend our civil liberties.”.

22 (3) The report also states that “the choice be-  
23 tween security and liberty is a false choice, as noth-  
24 ing is more likely to endanger America’s liberties  
25 than the success of a terrorist attack at home. Our

1 History has shown that the insecurity threatens lib-  
2 erty at home. Yet if our liberties are curtailed, we  
3 lose the values that we are struggling to defend.”.

4 (4) On December 17, 2004, Public Law 108–  
5 458, the National Intelligence Reform Act, was  
6 signed into law. This law created a civil liberties  
7 board that does not have the authority necessary to  
8 protect civil liberties.

9 (5) The establishment and adequate funding of  
10 a Privacy and Civil Liberties Oversight Board was  
11 a crucial recommendation made by the 9/11 Com-  
12 mission.

13 (6) In its Final Report on 9/11 Commission  
14 Recommendations, the Commission noted “very little  
15 urgency” and “insufficient” funding as it relates to  
16 the establishment of the Privacy and Civil Liberties  
17 Oversight Board.

18 (7) While the President’s budget submission for  
19 fiscal year 2006 included \$750,000 for the Privacy  
20 and Civil Liberties Oversight Board, the President’s  
21 budget submission for fiscal year 2007 does not con-  
22 tain a funding line for the Board.

23 (c) MAKING THE PRIVACY AND CIVIL LIBERTIES  
24 OVERSIGHT BOARD INDEPENDENT.—Section 1061(b) of  
25 the Intelligence Reform and Terrorism Prevention Act of



1 2004 (5 U.S.C. 601 note) is amended by striking “within  
 2 the Executive Office of the President” and inserting “as  
 3 an independent agency within the Executive branch”.

4 (d) REQUIRING ALL MEMBERS OF THE PRIVACY AND  
 5 CIVIL LIBERTIES OVERSIGHT BOARD BE CONFIRMED BY  
 6 THE SENATE.—Subsection (e) of section 1061 of the In-  
 7 telligence Reform and Terrorism Prevention Act of 2004  
 8 (5 U.S.C. 601 note) is amended to read as follows:

9 “(e) MEMBERSHIP.—

10 “(1) MEMBERS.—The Board shall be composed  
 11 of a full-time chairman and 4 additional members,  
 12 who shall be appointed by the President, by and  
 13 with the advice and consent of the Senate.

14 “(2) QUALIFICATIONS.—Members of the Board  
 15 shall be selected solely on the basis of their profes-  
 16 sional qualifications, achievements, public stature,  
 17 expertise in civil liberties and privacy, and relevant  
 18 experience, and without regard to political affiliation,  
 19 but in no event shall more than 3 members of the  
 20 Board be members of the same political party. The  
 21 President shall, before appointing an individual who  
 22 is not a member of the same political party as the  
 23 President consult with the leadership of that party,  
 24 if any, in the Senate and House of Representatives.

1           “(3) INCOMPATIBLE OFFICE.—An individual  
 2           appointed to the Board may not, while serving on  
 3           the Board, be an elected official, officer, or employee  
 4           of the Federal Government, other than in the capac-  
 5           ity as a member of the Board.

6           “(4) TERM.—Each member of the Board shall  
 7           serve a term of 6 years, except that—

8                   “(A) a member appointed to a term of of-  
 9                   fice after the commencement of such term may  
 10                  serve under such appointment only for the re-  
 11                  mainder of such term;

12                  “(B) upon the expiration of the term of of-  
 13                  fice of a member, the member shall continue to  
 14                  serve until the member’s successor has been ap-  
 15                  pointed and qualified, except that no member  
 16                  may serve under this subparagraph—

17                           “(i) for more than 60 days when Con-  
 18                           gress is in session unless a nomination to  
 19                           fill the vacancy shall have been submitted  
 20                           to the Senate; or

21                           “(ii) after the adjournment sine die of  
 22                           the session of the Senate in which such  
 23                           nomination is submitted; and

24                  “(C) the members initially appointed under  
 25                  this subsection shall serve terms of 2, 3, 4, 5,

1           and 6 years, respectively, from the effective  
2           date of this Act, with the term of each such  
3           member to be designated by the President.

4           “(5) QUORUM AND MEETINGS.—The Board  
5           shall meet upon the call of the chairman or a major-  
6           ity of its members. Three members of the Board  
7           shall constitute a quorum.”.

8           (e) SUBPOENA POWER FOR THE PRIVACY AND CIVIL  
9           LIBERTIES OVERSIGHT BOARD.—Section 1061(d) of the  
10          Intelligence Reform and Terrorism Prevention Act of  
11          2004 (5 U.S.C. 601 note) is amended—

12           (1) so that subparagraph (D) of paragraph (1)  
13          reads as follows:

14           “(D) require, by subpoena issued at the di-  
15          rection of a majority of the members of the  
16          Board, persons (other than departments, agen-  
17          cies, and elements of the executive branch) to  
18          produce any relevant information, documents,  
19          reports, answers, records, accounts, papers, and  
20          other documentary or testimonial evidence.”;  
21          and

22           (2) so that paragraph (2) reads as follows:

23           “(2) ENFORCEMENT OF SUBPOENA.—In the  
24          case of contumacy or failure to obey a subpoena  
25          issued under paragraph (1)(D), the United States

1 district court for the judicial district in which the  
 2 subpoenaed person resides, is served, or may be  
 3 found may issue an order requiring such person to  
 4 produce the evidence required by such subpoena.”.

5 (f) REPORTING REQUIREMENTS.—

6 (1) DUTIES OF BOARD.—Paragraph (4) of sec-  
 7 tion 1061(c) of the Intelligence Reform and Ter-  
 8 rorism Prevention Act of 2004 (5 U.S.C. 601 note)  
 9 is amended to read as follows:

10 “(4) REPORTS.—

11 “(A) RECEIPT, REVIEW, AND SUBMIS-  
 12 SION.—

13 “(i) IN GENERAL.—The Board shall—

14 “(I) receive and review reports  
 15 from privacy officers and civil liberties  
 16 officers described in section 212; and

17 “(II) periodically submit, not less  
 18 than semiannually, reports to the ap-  
 19 propriate committees of Congress, in-  
 20 cluding the Committees on the Judici-  
 21 ary of the Senate and the House of  
 22 Representatives, the Committee on  
 23 Homeland Security and Governmental  
 24 Affairs of the Senate, the Committee  
 25 on Government Reform of the House

1 of Representatives, the Select Com-  
2 mittee on Intelligence of the Senate,  
3 and the Permanent Select Committee  
4 on Intelligence of the House of Rep-  
5 resentatives, and to the President.

6 Such reports shall be in unclassified form  
7 to the greatest extent possible, with a clas-  
8 sified annex where necessary.

9 “(ii) CONTENTS.—Not less than 2 re-  
10 ports the Board submits each year under  
11 clause (i)(II) shall include—

12 “(I) a description of the major  
13 activities of the Board during the pre-  
14 ceding period;

15 “(II) information on the findings,  
16 conclusions, and recommendations of  
17 the Board resulting from its advice  
18 and oversight functions under sub-  
19 section (c);

20 “(III) the minority views on any  
21 findings, conclusions, and rec-  
22 ommendations of the Board resulting  
23 from its advice and oversight func-  
24 tions under subsection (c); and

1                   “(IV) each proposal reviewed by  
 2                   the Board under subsection (c)(1)  
 3                   that the Board advised against imple-  
 4                   menting, but that notwithstanding  
 5                   such advice, was implemented.

6                   “(B) INFORMING THE PUBLIC.—The  
 7                   Board shall—

8                   “(i) make its reports, including its re-  
 9                   ports to Congress, available to the public  
 10                  to the greatest extent that is consistent  
 11                  with the protection of classified informa-  
 12                  tion and applicable law; and

13                  “(ii) hold public hearings and other-  
 14                  wise inform the public of its activities, as  
 15                  appropriate and in a manner consistent  
 16                  with the protection of classified informa-  
 17                  tion and applicable law.”.

18                  (2) PRIVACY AND CIVIL LIBERTIES OFFI-  
 19                  CERS.—Section 1062 of the Intelligence Reform and  
 20                  Terrorism Prevention Act of 2004 (Public Law 108–  
 21                  458; 118 Stat. 3688) is amended to read as follows:

22                  **“SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.**

23                  “(a) DESIGNATION AND FUNCTIONS.—The Attorney  
 24                  General, the Secretary of Defense, the Secretary of State,  
 25                  the Secretary of the Treasury, the Secretary of Health and

1 Human Services, the Secretary of Homeland Security, the  
 2 National Intelligence Director, the Director of the Central  
 3 Intelligence Agency, any other entity within the intel-  
 4 ligence community (as defined in section 3 of the National  
 5 Security Act of 1947 (50 U.S.C. 401a)), and the head of  
 6 any other department, agency, or element of the executive  
 7 branch designated by the Privacy and Civil Liberties Over-  
 8 sight Board to be appropriate for coverage under this sec-  
 9 tion shall designate not less than 1 senior officer to—

10           “(1) assist the head of such department, agen-  
 11           cy, or element and other officials of such depart-  
 12           ment, agency, or element in appropriately consid-  
 13           ering privacy and civil liberties concerns when such  
 14           officials are proposing, developing, or implementing  
 15           laws, regulations, policies, procedures, or guidelines  
 16           related to efforts to protect the Nation against ter-  
 17           rorism;

18           “(2) periodically investigate and review depart-  
 19           ment, agency, or element actions, policies, proce-  
 20           dures, guidelines, and related laws and their imple-  
 21           mentation to ensure that such department, agency,  
 22           or element is adequately considering privacy and  
 23           civil liberties in its actions;

24           “(3) ensure that such department, agency, or  
 25           element has adequate procedures to receive, inves-

1       tigate, respond to, and redress complaints from indi-  
 2       viduals who allege such department, agency, or ele-  
 3       ment has violated their privacy or civil liberties; and

4               “(4) in providing advice on proposals to retain  
 5       or enhance a particular governmental power the offi-  
 6       cer shall consider whether such department, agency,  
 7       or element has established—

8               “(A) that the power actually enhances se-  
 9       curity and the need for the power is balanced  
 10       with the need to protect privacy and civil lib-  
 11       erties;

12              “(B) that there is adequate supervision of  
 13       the use by such department, agency, or element  
 14       of the power to ensure protection of privacy and  
 15       civil liberties; and

16              “(C) that there are adequate guidelines  
 17       and oversight to properly confine its use.

18       “(b) EXCEPTION TO DESIGNATION AUTHORITY.—

19              “(1) PRIVACY OFFICERS.—In any department,  
 20       agency, or element referred to in subsection (a) or  
 21       designated by the Board, which has a statutorily  
 22       created privacy officer, such officer shall perform the  
 23       functions specified in subsection (a) with respect to  
 24       privacy.



1           “(2) CIVIL LIBERTIES OFFICERS.—In any de-  
 2       partment, agency, or element referred to in sub-  
 3       section (a) or designated by the Board, which has a  
 4       statutorily created civil liberties officer, such officer  
 5       shall perform the functions specified in subsection  
 6       (a) with respect to civil liberties.

7           “(c) SUPERVISION AND COORDINATION.—Each pri-  
 8       vacy officer or civil liberties officer described in subsection  
 9       (a) or (b) shall—

10           “(1) report directly to the head of the depart-  
 11       ment, agency, or element concerned; and

12           “(2) coordinate their activities with the Inspec-  
 13       tor General of such department, agency, or element  
 14       to avoid duplication of effort.

15           “(d) AGENCY COOPERATION.—The head of each de-  
 16       partment, agency, or element shall ensure that each pri-  
 17       vacy officer and civil liberties officer—

18           “(1) has the information, material, and re-  
 19       sources necessary to fulfill the functions of such offi-  
 20       cer;

21           “(2) is advised of proposed policy changes;

22           “(3) is consulted by decisionmakers; and

23           “(4) is given access to material and personnel  
 24       the officer determines to be necessary to carry out  
 25       the functions of such officer.

1       “(e) REPRISAL FOR MAKING COMPLAINT.—No ac-  
 2       tion constituting a reprisal, or threat of reprisal, for mak-  
 3       ing a complaint or for disclosing information to a privacy  
 4       officer or civil liberties officer described in subsection (a)  
 5       or (b), or to the Privacy and Civil Liberties Oversight  
 6       Board, that indicates a possible violation of privacy protec-  
 7       tions or civil liberties in the administration of the pro-  
 8       grams and operations of the Federal Government relating  
 9       to efforts to protect the Nation from terrorism shall be  
 10      taken by any Federal employee in a position to take such  
 11      action, unless the complaint was made or the information  
 12      was disclosed with the knowledge that it was false or with  
 13      willful disregard for its truth or falsity.

14      “(f) PERIODIC REPORTS.—

15           “(1) IN GENERAL.—The privacy officers and  
 16      civil liberties officers of each department, agency, or  
 17      element referred to or described in subsection (a) or  
 18      (b) shall periodically, but not less than quarterly,  
 19      submit a report on the activities of such officers—

20           “(A)(i) to the appropriate committees of  
 21      Congress, including the Committee on the Judi-  
 22      ciary of the Senate and the Committee on the  
 23      Judiciary of the House of Representatives, the  
 24      Committee on Homeland Security and Govern-  
 25      mental Affairs of the Senate, the Committee on

1 Oversight and Government Reform of the  
2 House of Representatives, the Select Committee  
3 on Intelligence of the Senate, and the Perma-  
4 nent Select Committee on Intelligence of the  
5 House of Representatives;

6 “(ii) to the head of such department, agen-  
7 cy, or element; and

8 “(iii) to the Privacy and Civil Liberties  
9 Oversight Board; and

10 “(B) which shall be in unclassified form to  
11 the greatest extent possible, with a classified  
12 annex where necessary.

13 “(2) CONTENTS.—Each report submitted under  
14 paragraph (1) shall include information on the dis-  
15 charge of each of the functions of the officer con-  
16 cerned, including—

17 “(A) information on the number and types  
18 of reviews undertaken;

19 “(B) the type of advice provided and the  
20 response given to such advice;

21 “(C) the number and nature of the com-  
22 plaints received by the department, agency, or  
23 element concerned for alleged violations; and

1           “(D) a summary of the disposition of such  
2           complaints, the reviews and inquiries conducted,  
3           and the impact of the activities of such officer.

4           “(g) INFORMING THE PUBLIC.—Each privacy officer  
5           and civil liberties officer shall—

6           “(1) make the reports of such officer, including  
7           reports to Congress, available to the public to the  
8           greatest extent that is consistent with the protection  
9           of classified information and applicable law; and

10          “(2) otherwise inform the public of the activi-  
11          ties of such officer, as appropriate and in a manner  
12          consistent with the protection of classified informa-  
13          tion and applicable law.

14          “(h) SAVINGS CLAUSE.—Nothing in this section shall  
15          be construed to limit or otherwise supplant any other au-  
16          thorities or responsibilities provided by law to privacy offi-  
17          cers or civil liberties officers.

18          “(i) PROTECTIONS FOR HUMAN RESEARCH SUB-  
19          JECTS.—The Secretary of Homeland Security shall ensure  
20          that the Department of Homeland Security complies with  
21          the protections for human research subjects, as described  
22          in part 46 of title 45, Code of Federal Regulations, or  
23          in equivalent regulations as promulgated by such Sec-  
24          retary, with respect to research that is conducted or sup-  
25          ported by such Department.”.

1 (g) INCLUSION IN PRESIDENT’S BUDGET SUBMIS-  
 2 SION TO CONGRESS.—Section 1105(a) of title 31, United  
 3 States Code, is amended by adding at the end the fol-  
 4 lowing new paragraph:

5 “(36) a separate statement of the amount of  
 6 appropriations requested for the Privacy and Civil  
 7 Liberties Oversight Board.”.

8 (h) REPORT; CERTIFICATION.—

9 (1) REPORT.—

10 (A) IN GENERAL.—Not later than 30 days  
 11 after the date of enactment of this Act, and  
 12 every 30 days thereafter, the Attorney General  
 13 shall submit to the relevant congressional com-  
 14 mittees a report on the extent to which the Ad-  
 15 ministration has achieved and implemented the  
 16 policy goals of Public Law 108–458 and the  
 17 recommendations of the 9/11 Commission re-  
 18 garding the implementation of the Privacy and  
 19 Civil Liberties Oversight Board.

20 (B) CONTENTS.—Each report submitted  
 21 under subparagraph (A) shall include—

22 (i) a certification by the Attorney  
 23 General that such recommendations have  
 24 been implemented and such policy goals  
 25 have been achieved; or

1 (ii) if the Attorney General is unable  
2 to make the certification described in  
3 clause (i), a description of—

4 (I) the steps taken to implement  
5 such recommendations and achieve  
6 such policy goals;

7 (II) when the Attorney General  
8 expects such recommendations to be  
9 implemented and such policy goals to  
10 be achieved; and

11 (III) any allocation of resources  
12 or other actions by Congress the At-  
13 torney General considers necessary to  
14 implement such recommendations and  
15 achieve such policy goals.

16 (2) TERMINATION OF DUTY TO REPORT.—The  
17 duty to submit a report under paragraph (1) shall  
18 terminate when the Attorney General submits a cer-  
19 tification pursuant to paragraph (1)(B)(i).

20 (3) GAO REVIEW OF CERTIFICATION.—If the  
21 Attorney General submits a certification pursuant to  
22 paragraph (1)(B)(i), not later than 30 days after the  
23 submission of such certification, the Comptroller  
24 General shall submit to the relevant congressional  
25 committees a report on whether the recommenda-

1        tions described in paragraph (1) have been imple-  
2        mented and whether the policy goals described in  
3        paragraph (1) have been achieved.

4   **SEC. 213. SET PRIVACY GUIDELINES FOR GOVERNMENT**  
5        **SHARING OF PERSONAL INFORMATION.**

6        (a) REPORT.—

7            (1) IN GENERAL.—Not later than 30 days after  
8        the date of enactment of this Act, and every 30 days  
9        thereafter, the Attorney General shall submit to the  
10       relevant congressional committees a report on the  
11       extent to which the Administration has achieved and  
12       implemented the policy goals of Public Law 108–458  
13       and the recommendations of the 9/11 Commission  
14       regarding the privacy guidelines for government  
15       sharing of personal information.

16            (2) CONTENTS.—Each report submitted under  
17        paragraph (1) shall include—

18            (A) a certification by the Attorney General  
19        that such recommendations have been imple-  
20        mented and such policy goals have been  
21        achieved; or

22            (B) if the Attorney General is unable to  
23        make the certification described in subpara-  
24        graph (A), a description of—

1 (i) the steps taken to implement such  
2 recommendations and achieve such policy  
3 goals;

4 (ii) when the Attorney General ex-  
5 pects such recommendations to be imple-  
6 mented and such policy goals to be  
7 achieved; and

8 (iii) any allocation of resources or  
9 other actions by Congress the Attorney  
10 General considers necessary to implement  
11 such recommendations and achieve such  
12 policy goals.

13 (b) TERMINATION OF DUTY TO REPORT.—The duty  
14 to submit a report under subsection (a) shall terminate  
15 when the Attorney General submits a certification pursu-  
16 ant to subsection (a)(2)(A).

17 (c) GAO REVIEW OF CERTIFICATION.—If the Attor-  
18 ney General submits a certification pursuant to subsection  
19 (a)(2)(A), not later than 30 days after the submission of  
20 such certification, the Comptroller General shall submit to  
21 the relevant congressional committees a report on whether  
22 the recommendations described in subsection (a) have  
23 been implemented and whether the policy goals described  
24 in subsection (a) have been achieved.



1 **SEC. 214. DEFINITION OF RELEVANT CONGRESSIONAL**  
 2 **COMMITTEES FOR SUBTITLE.**

3 As used in this subtitle, the term “relevant commit-  
 4 tees” means the Committee on Homeland Security of the  
 5 House of Representatives, the Committee on Oversight  
 6 and Government Reform of the House of Representatives,  
 7 the Committee on Homeland Security and Governmental  
 8 Affairs of the Senate, the Committee on the Judiciary of  
 9 the Senate, the Committee on the Judiciary of the House  
 10 of Representatives, the Select Committee on Intelligence  
 11 of the Senate, and the Permanent Select Committee on  
 12 Intelligence of the House of Representatives.

13 **Subtitle C—Homeland Security**  
 14 **Committees**

15 **CHAPTER 1—HOMELAND SECURITY**

16 **OVERSIGHT REFORM IN THE SENATE**

17 **Subchapter A—Intelligence Oversight Reform**

18 **SEC. 221. INTELLIGENCE OVERSIGHT.**

19 (a) COMMITTEE ON ARMED SERVICES MEMBER-  
 20 SHIP.—Section 2(a)(3) of Senate Resolution 400, agreed  
 21 to May 19, 1976 (94th Congress) (referred to in this sec-  
 22 tion as “S. Res. 400”) is amended by—

23 (1) inserting “(A)” after “(3)”; and

24 (2) inserting at the end the following:

25 “(B) The Chairman and Ranking Member  
 26 of the Committee on Armed Services (if not al-

1 ready a member of the select Committee) shall  
 2 be ex officio members of the select Committee  
 3 but shall have no vote in the Committee and  
 4 shall not be counted for purposes of deter-  
 5 mining a quorum.”.

6 (b) NUMBER OF MEMBERS.—Section 2(a) of S. Res.  
 7 400 is amended—

8 (1) in paragraph (1), by inserting “not to ex-  
 9 ceed” before “fifteen members”;

10 (2) in paragraph (1)(E), by inserting “not to  
 11 exceed” before “seven”; and

12 (3) in paragraph (2), by striking the second  
 13 sentence and inserting “Of any members appointed  
 14 under paragraph (1)(E), the majority leader shall  
 15 appoint the majority members and the minority  
 16 leader shall appoint the minority members, with the  
 17 majority having a one vote margin.”.

18 (c) ELIMINATION OF TERM LIMITS.—Section 2 of  
 19 Senate Resolution 400, 94th Congress, agreed to May 19,  
 20 1976, is amended by striking subsection (b) and by redес-  
 21 ignating subsection (c) as subsection (b).

22 (d) APPOINTMENT OF CHAIRMAN AND VICE CHAIR-  
 23 MAN.—Section 2(b) of S. Res. 400, as redesignated by  
 24 subsection (c) of this section, is amended by striking the  
 25 first sentence and inserting the following: “At the begin-

1 ning of each Congress, the Majority Leader of the Senate  
2 shall select a chairman of the select Committee and the  
3 Minority Leader shall select a vice chairman for the select  
4 Committee.”.

5 (e) SUBCOMMITTEES.—Section 2 of S. Res. 400, as  
6 amended by subsections (a) through (d), is amended by  
7 adding at the end the following:

8 “(c) The select Committee may be organized into sub-  
9 committees. Each subcommittee shall have a chairman  
10 and a vice chairman who are selected by the Chairman  
11 and Vice Chairman of the select Committee, respectively.”.

12 (f) REPORTS.—Section 4(a) of S. Res. 400 is amend-  
13 ed by inserting “, but not less than quarterly,” after “peri-  
14 odic”.

15 (g) STAFF.—Section 15 of S. Res. 400 is amended  
16 to read as follows:

17 “SEC. 15. (a) The select Committee shall hire or ap-  
18 point one employee for each member of the select Com-  
19 mittee to serve as such Member’s designated representa-  
20 tive on the select Committee. The select Committee shall  
21 only hire or appoint an employee chosen by the respective  
22 Member of the select Committee for whom the employee  
23 will serve as the designated representative on the select  
24 Committee.

1       “(b) The select Committee shall be afforded a supple-  
2 ment to its budget, to be determined by the Committee  
3 on Rules and Administration, to allow for the hire of each  
4 employee who fills the position of designated representa-  
5 tive to the select Committee. The designated representa-  
6 tive shall have office space and appropriate office equip-  
7 ment in the select Committee spaces, and shall have full  
8 access to select Committee staff, information, records, and  
9 databases.

10       “(c) The designated employee shall meet all the re-  
11 quirements of relevant statutes, Senate rules, and com-  
12 mittee clearance requirements for employment by the se-  
13 lect Committee.”.

14       (h) NOMINEES.—S. Res. 400 is amended by adding  
15 at the end the following:

16       “SEC. 17. (a) The select Committee shall have juris-  
17 diction for reviewing, holding hearings, and voting on civil-  
18 ian persons nominated by the President to fill a position  
19 within the intelligence community that requires the advice  
20 and consent of the Senate.

21       “(b) Other committees with jurisdiction over the  
22 nominees’ executive branch department may hold hearings  
23 and interviews with that person.”.

1           **Subchapter B—Committee Status**

2   **SEC. 231. COMMITTEE STATUS.**

3           The Select Committee on Intelligence shall be treated  
4 as a committee listed under paragraph 2 of rule XXV of  
5 the Standing Rules of the Senate for purposes of the  
6 Standing Rules of the Senate.

7           **Subchapter C—Intelligence-Related**  
8                           **Subcommittees**

9   **SEC. 241. SUBCOMMITTEE RELATED TO INTELLIGENCE**  
10                           **OVERSIGHT.**

11           (a) ESTABLISHMENT.—There is established in the  
12 Select Committee on Intelligence of the Senate a Sub-  
13 committee on Oversight which shall be in addition to any  
14 other subcommittee established by the select Committee.

15           (b) RESPONSIBILITY.—The Subcommittee on Over-  
16 sight shall be responsible for ongoing oversight of intel-  
17 ligence activities.

18   **SEC. 242. SUBCOMMITTEE RELATED TO INTELLIGENCE AP-**  
19                           **PROPRIATIONS.**

20           (a) ESTABLISHMENT.—There is established in the  
21 Committee on Appropriations of the Senate a Sub-  
22 committee on Intelligence. The Subcommittee on Military  
23 Construction shall be combined with the Subcommittee on  
24 Defense into 1 subcommittee.

1 (b) JURISDICTION.—The Subcommittee on Intel-  
 2 ligence of the Committee on Appropriations shall have ju-  
 3 risdiction over funding for intelligence matters.

## 4 **CHAPTER 2—EFFECTIVE DATE**

### 5 **SEC. 261. EFFECTIVE DATE.**

6 This subtitle shall take effect on the convening of the  
 7 111th Congress.

## 8 **Subtitle D—Declassification of** 9 **Overall Intelligence Budget**

### 10 **SEC. 271. AVAILABILITY TO PUBLIC OF CERTAIN INTEL-** 11 **LIGENCE FUNDING INFORMATION.**

12 (a) AMOUNTS REQUESTED EACH FISCAL YEAR.—  
 13 The President shall disclose to the public for each fiscal  
 14 year after fiscal year 2005—

15 (1) the aggregate amount of appropriations re-  
 16 quested in the budget of the President for the fiscal  
 17 year concerned for the intelligence and intelligence-  
 18 related activities of the United States Government;  
 19 and

20 (2) the aggregate amount of appropriations re-  
 21 quested in the budget of the President for the fiscal  
 22 year concerned for each element or component of the  
 23 intelligence community.

1 (b) AMOUNTS APPROPRIATED EACH FISCAL YEAR.—

2 Congress shall disclose to the public for each fiscal year  
3 after fiscal year 2005—

4 (1) the aggregate amount of funds appropriated  
5 by Congress for the fiscal year concerned for the in-  
6 telligence and intelligence-related activities of the  
7 United States Government; and

8 (2) the aggregate amount of funds appropriated  
9 by Congress for the fiscal year concerned for each  
10 element or component of the intelligence community.

## 11 **Subtitle E—Standardize Security** 12 **Clearances**

### 13 **SEC. 282. STANDARDIZATION OF SECURITY CLEARANCES.**

14 (a) REPORT; CERTIFICATION.—

15 (1) IN GENERAL.—Not later than 30 days after  
16 the date of enactment of this Act, and every 30 days  
17 thereafter, the Director of the Office of Personnel  
18 Management, in consultation with the Director of  
19 National Intelligence, the Secretary of Defense, and  
20 the Secretary of Homeland Security, shall submit to  
21 the relevant congressional committees a report on  
22 the recommendations of the 9/11 Commission and  
23 the policy goals of section 3001 of the Intelligence  
24 Reform and Terrorism Prevention Act of 2004  
25 (Public Law 108–458) with respect to security clear-

1       ances, including with respect to uniform policies and  
2       procedures for the completion of security clearances  
3       and reciprocal recognition of such security clear-  
4       ances among agencies of the United States Govern-  
5       ment.

6           (2) CONTENTS.—Each report submitted under  
7       paragraph (1) shall include—

8           (A) a certification by the Director of the  
9       Office of Personnel Management that such rec-  
10      ommendations have been implemented and such  
11      policy goals have been achieved; or

12          (B) if the Director of the Office of Per-  
13      sonnel Management is unable to make the cer-  
14      tification described in subparagraph (A), a de-  
15      scription of—

16           (i) the steps taken to implement such  
17      recommendations and achieve such policy  
18      goals;

19           (ii) when the Director of the Office of  
20      Personnel Management expects such rec-  
21      ommendations to be implemented and such  
22      policy goals to be achieved; and

23           (iii) any allocation of resources or  
24      other actions by Congress the Director  
25      considers necessary to implement such rec-



1                   ommendations and achieve such policy  
2                   goals.

3           (b) TERMINATION OF DUTY TO REPORT.—The duty  
4 to submit a report under subsection (a) shall terminate  
5 when the Director of the Office of Personnel Management  
6 submits a certification pursuant to subsection (a)(2)(A).

7           (c) GAO REVIEW OF CERTIFICATION.—If the Direc-  
8 tor of the Office of Personnel Management submits a cer-  
9 tification pursuant to subsection (a)(2)(A), not later than  
10 30 days after the submission of such certification, the  
11 Comptroller General shall submit to the relevant congres-  
12 sional committees a report on whether the recommenda-  
13 tions described in subsection (a) have been implemented  
14 and whether the policy goals described in subsection (a)  
15 have been achieved.

16 **TITLE III—FOREIGN POLICY,**  
17 **PUBLIC DIPLOMACY, AND**  
18 **NONPROLIFERATION**

19 **Subtitle A—Foreign Policy**

20 **SEC. 301. ACTIONS TO ENSURE A LONG-TERM COMMIT-**  
21 **MENT TO AFGHANISTAN.**

22           (a) SENSE OF CONGRESS.—It is the sense of Con-  
23 gress that the Government of the United States—

1           (1) should give priority to providing assistance  
2           to Afghanistan to establish a substantial economic  
3           infrastructure and a sound economy; and

4           (2) should continue to provide economic and de-  
5           velopment assistance to Afghanistan, including as-  
6           sistance to the Afghan National Army and the police  
7           forces and border police of Afghanistan.

8           (b) REPORT; CERTIFICATION.—

9           (1) IN GENERAL.—Not later than 30 days after  
10          the date of enactment of this Act, and every 30 days  
11          thereafter, the President shall submit to the relevant  
12          congressional committees a report on the rec-  
13          ommendations of the 9/11 Commission and the pol-  
14          icy goals of section 305 of of the Afghanistan Free-  
15          dom Support Act of 2002 (22 U.S.C. 7555) (as  
16          added by section 7104(e)(4)(A) of the Intelligence  
17          Reform and Terrorism Prevention Act of 2004  
18          (Public Law 108–458)) for ensuring a long-term  
19          commitment to Afghanistan.

20          (2) CONTENTS.—Each report submitted under  
21          paragraph (1) shall include—

22                 (A) a certification by the President that  
23                 such recommendations have been implemented  
24                 and such policy goals have been achieved; or

1 (B) if the President is unable to make the  
2 certification described in subparagraph (A), a  
3 description of—

4 (i) the steps taken to implement such  
5 recommendations and achieve such policy  
6 goals;

7 (ii) when the President expects such  
8 recommendations to be implemented and  
9 such policy goals to be achieved; and

10 (iii) any allocation of resources or  
11 other actions by Congress the President  
12 considers necessary to implement such rec-  
13 ommendations and achieve such policy  
14 goals.

15 (c) TERMINATION OF DUTY TO REPORT.—The duty  
16 to submit a report under subsection (b) shall terminate  
17 when the President submits a certification pursuant to  
18 subsection (b)(2)(A).

19 (d) GAO REVIEW OF CERTIFICATION.—If the Presi-  
20 dent submits a certification pursuant to subsection  
21 (b)(2)(A), not later than 30 days after the submission of  
22 such certification, the Comptroller General shall submit to  
23 the relevant congressional committees a report on whether  
24 the recommendations described in subsection (b) has been

1 implemented and whether the policy goals described in  
2 subsection (b) have been achieved.

3 (e) DEFINITION.—In this section, the term “relevant  
4 congressional committees” means—

5 (1) the Committee on Foreign Affairs and the  
6 Committee on Oversight and Government Reform of  
7 the House of Representatives; and

8 (2) the Committee on Foreign Relations and  
9 the Committee on Homeland Security and Govern-  
10 mental Affairs of the Senate.

11 **SEC. 302. ACTIONS TO SUPPORT PAKISTAN AGAINST EX-**  
12 **TREMISTS.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-  
14 gress that—

15 (1) the commitment of the President to provide  
16 \$3 billion in assistance over the next 5 years to  
17 Pakistan should be commended;

18 (2) the Government of the United States should  
19 provide assistance to Pakistan to improve Pakistan’s  
20 failing basic education system and to emphasize de-  
21 velopment; and

22 (3) the Government of the United States should  
23 strongly urge the Government of Pakistan to close  
24 Taliban-linked schools known as “madrassas”, close  
25 terrorist training camps, and prevent Taliban forces

1 from operating across the border between Pakistan  
2 and Afghanistan.

3 (b) REPORT.—Not later than 90 days after the date  
4 of enactment of this Act, the Secretary of State shall sub-  
5 mit to the Committee on International Relations of the  
6 House of Representatives and the Committee on Foreign  
7 Relations of the Senate a report on efforts by the Govern-  
8 ment of Pakistan take the actions described in subsection  
9 (a)(3).

10 **SEC. 303. ACTIONS TO SUPPORT REFORM IN SAUDI ARABIA.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-  
12 gress that—

13 (1) the Government of the United States and  
14 the Government of Saudi Arabia should accelerate  
15 efforts to improve strategic dialogue between the two  
16 countries, increase exchange programs, and promote  
17 pragmatic reforms in Saudi Arabia; and

18 (2) the Government of Saudi Arabia should  
19 take additional steps to regulate charities and pro-  
20 mote tolerance and moderation.

21 (b) REPORT; CERTIFICATION.—

22 (1) IN GENERAL.—Not later than 30 days after  
23 the date of enactment of this Act, and every 30 days  
24 thereafter, the Secretary of State shall submit to the  
25 relevant congressional committees a report on the

1 recommendations of the 9/11 Commission and the  
2 policy goals of section 7105 of the Intelligence Re-  
3 form and Terrorism Prevention Act of 2004 (Public  
4 Law 108–458) for improving dialogue between the  
5 people and Government of the United States and the  
6 people and Government of Saudi Arabia in order to  
7 improve the relationship between the two countries.

8 (2) CONTENTS.—Each report submitted under  
9 paragraph (1) shall include—

10 (A) a certification by the Secretary of  
11 State that such recommendations have been im-  
12 plemented and such policy goals have been  
13 achieved; or

14 (B) if the Secretary of State is unable to  
15 make the certification described in subpara-  
16 graph (A), a description of—

17 (i) the steps taken to implement such  
18 recommendations and achieve such policy  
19 goals;

20 (ii) when the Secretary of State ex-  
21 pects such recommendations to be imple-  
22 mented and such policy goals to be  
23 achieved; and

24 (iii) any allocation of resources or  
25 other actions by Congress the Secretary of

1                   State considers necessary to implement  
2                   such recommendations and achieve such  
3                   policy goals.

4           (c) TERMINATION OF DUTY TO REPORT.—The duty  
5 to submit a report under subsection (b) shall terminate  
6 when the Secretary of State submits a certification pursu-  
7 ant to subsection (b)(2)(A).

8           (d) GAO REVIEW OF CERTIFICATION.—If the Sec-  
9 retary of State submits a certification pursuant to sub-  
10 section (b)(2)(A), not later than 30 days after the submis-  
11 sion of such certification, the Comptroller General shall  
12 submit to the relevant congressional committees a report  
13 on whether the recommendations described in subsection  
14 (b) have been implemented and whether the policy goals  
15 described in subsection (b) have been achieved.

16          (e) DEFINITION.—In this section, the term “relevant  
17 congressional committees” means—

18               (1) the Committee on Foreign Affairs and the  
19               Committee on Oversight and Government Reform of  
20               the House of Representatives; and

21               (2) the Committee on Foreign Relations and  
22               the Committee on Homeland Security and Govern-  
23               mental Affairs of the Senate.

1 **SEC. 304. ELIMINATION OF TERRORIST SANCTUARIES.**

2 (a) NATIONAL COUNTERTERRORISM CENTER IDEN-  
3 TIFICATION OF TERRORIST SANCTUARIES.—Subsection  
4 (d) of section 119 of National Security Act of 1947 (50  
5 U.S.C. 404o) is amended by adding at the end the fol-  
6 lowing new paragraph:

7 “(7) To identify each country whose territory is  
8 being used as a sanctuary for terrorists or terrorist  
9 organizations and each country whose territory may  
10 potentially be used as a sanctuary for terrorists or  
11 terrorist organizations and to develop a comprehen-  
12 sive strategy to eliminate terrorist sanctuaries.”.

13 (b) REPORT.—Such section is further amended by  
14 adding at the end the following new subsection:

15 “(k) REPORT ON TERRORIST SANCTUARIES.—Not  
16 later than 90 days after the date of enactment of this Act,  
17 and annually thereafter, the Director of the National  
18 Counterterrorism Center shall submit to the Committee  
19 on International Relations, the Permanent Select Com-  
20 mittee on Intelligence, the Committee on Homeland Secu-  
21 rity, and the Committee on Government Reform of the  
22 House of Representatives and the Committee on Foreign  
23 Relations, the Select Committee on Intelligence, and the  
24 Committee on Homeland Security and Governmental Af-  
25 fairs of the Senate a report on terrorist sanctuaries, in-  
26 cluding a description of the—



1 “(1) countries whose territory is being used as  
2 a sanctuary for terrorists or terrorist organizations;

3 “(2) countries whose territory may potentially  
4 be used as a sanctuary for terrorists or terrorist or-  
5 ganizations;

6 “(3) strategy to eliminate each such sanctuary;  
7 and

8 “(4) progress that has been made in accom-  
9 plishing such strategy.”.

10 **SEC. 305. COMPREHENSIVE COALITION STRATEGY AGAINST**  
11 **ISLAMIST TERRORISM.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-  
13 gress that the United States—

14 (1) should continue to engage other countries in  
15 developing a comprehensive coalition strategy  
16 against Islamist terrorism; and

17 (2) should use a broader approach to target the  
18 roots of terrorism, including developing strategies  
19 with other countries to encourage reform efforts in  
20 Saudi Arabia and Pakistan, improving educational  
21 and economic opportunities in Muslim countries,  
22 identifying and eliminating terrorist sanctuaries, and  
23 making progress in the Arab-Israeli peace process.

24 (b) REPORT; CERTIFICATION.—

1           (1) IN GENERAL.—Not later than 30 days after  
2           the date of enactment of this Act, and every 30 days  
3           thereafter, the Secretary of State shall submit to the  
4           relevant congressional committees a report on the  
5           recommendations of the 9/11 Commission and the  
6           policy goals of section 7117 of the Intelligence Re-  
7           form and Terrorism Prevention Act of 2004 (Public  
8           Law 108–458) for engaging other countries in devel-  
9           oping a comprehensive coalition strategy for com-  
10          bating terrorism.

11          (2) CONTENTS.—Each report submitted under  
12          paragraph (1) shall include—

13                (A) a certification by the Secretary of  
14                State that such recommendations have been im-  
15                plemented and such policy goals have been  
16                achieved; or

17                (B) if the Secretary of State is unable to  
18                make the certification described in subpara-  
19                graph (A), a description of—

20                    (i) the steps taken to implement such  
21                    recommendations and achieve such policy  
22                    goals;

23                    (ii) when the Secretary of State ex-  
24                    pects such recommendations to be imple-

1                   mented and such policy goals to be  
2                   achieved; and

3                   (iii) any allocation of resources or  
4                   other actions by Congress the Secretary of  
5                   State considers necessary to implement  
6                   such recommendations and achieve such  
7                   policy goals.

8           (c) TERMINATION OF DUTY TO REPORT.—The duty  
9   to submit a report under subsection (b) shall terminate  
10 when the Secretary of State submits a certification pursu-  
11 ant to subsection (b)(2)(A).

12          (d) GAO REVIEW OF CERTIFICATION.—If the Sec-  
13 retary of State submits a certification pursuant to sub-  
14 section (b)(2)(A), not later than 30 days after the submis-  
15 sion of such certification, the Comptroller General shall  
16 submit to the relevant congressional committees a report  
17 on whether the recommendations described in subsection  
18 (b) have been implemented and whether the policy goals  
19 described in subsection (b) have been achieved.

20          (e) DEFINITION.—In this section, the term “relevant  
21 congressional committees” means—

22               (1) the Committee on Foreign Affairs and the  
23               Committee on Oversight and Government Reform of  
24               the House of Representatives; and

1           (2) the Committee on Foreign Relations and  
2           the Committee on Homeland Security and Govern-  
3           mental Affairs of the Senate.

4   **SEC. 306. STANDARDS FOR THE DETENTION AND HUMANE**  
5           **TREATMENT OF CAPTURED TERRORISTS.**

6           (a) REPORT; CERTIFICATION.—

7           (1) IN GENERAL.—Not later than 30 days after  
8           the date of enactment of this Act, and every 30 days  
9           thereafter, the Secretary of State, in consultation  
10          with the Attorney General, shall submit to the rel-  
11          evant congressional committees a report on the rec-  
12          ommendations of the 9/11 Commission for engaging  
13          United States allies to develop a common coalition  
14          approach toward the detention and humane treat-  
15          ment of captured terrorists and the policy goals of  
16          sections 1002, 1003, and 1005 of the Department of  
17          Defense, Emergency Supplemental Appropriations to  
18          Address Hurricanes in the Gulf of Mexico, and Pan-  
19          demic Influenza Act, 2006 (Public Law 109–148).

20          (2) CONTENTS.—Each report submitted under  
21          paragraph (1) shall include—

22                (A) a certification by the Secretary of  
23                State that such recommendations have been im-  
24                plemented and such policy goals have been  
25                achieved; or

1 (B) if the Secretary of State is unable to  
2 make the certification described in subpara-  
3 graph (A), a description of—

4 (i) the steps taken to implement such  
5 recommendations and achieve such policy  
6 goals;

7 (ii) when the Secretary of State ex-  
8 pects such recommendations to be imple-  
9 mented and such policy goals to be  
10 achieved; and

11 (iii) any allocation of resources or  
12 other actions by Congress the Secretary of  
13 State considers necessary to implement  
14 such recommendations and achieve such  
15 policy goals.

16 (b) TERMINATION OF DUTY TO REPORT.—The duty  
17 to submit a report under subsection (a) shall terminate  
18 when the Secretary of State submits a certification pursu-  
19 ant to subsection (a)(2)(A).

20 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-  
21 retary of State submits a certification pursuant to sub-  
22 section (a)(2)(A), not later than 30 days after the submis-  
23 sion of such certification, the Comptroller General shall  
24 submit to the relevant congressional committees a report  
25 on whether the recommendations described in subsection

1 (a) have been implemented and whether the policy goals  
 2 described in subsection (a) have been achieved.

3 (d) DEFINITION.—In this section, the term “relevant  
 4 congressional committees” means—

5 (1) the Committee on Foreign Affairs, the  
 6 Committee on Armed Services, and the Committee  
 7 on Oversight and Government Reform of the House  
 8 of Representatives; and

9 (2) the Committee on Foreign Relations, the  
 10 Committee on Armed Services, and the Committee  
 11 on Homeland Security and Governmental Affairs of  
 12 the Senate.

13 **SEC. 307. USE OF ECONOMIC POLICIES TO COMBAT TER-**  
 14 **RORISM.**

15 (a) REPORT; CERTIFICATION.—

16 (1) IN GENERAL.—Not later than 30 days after  
 17 the date of enactment of this Act, and every 30 days  
 18 thereafter, the Secretary of State, in consultation  
 19 with the United States Trade Representative, shall  
 20 submit to the relevant congressional committees a  
 21 report on the recommendations of the 9/11 Commis-  
 22 sion and the policy goals of section 7115 of the In-  
 23 telligence Reform and Terrorism Prevention Act of  
 24 2004 (Public Law 108–458) for developing economic  
 25 policies to combat terrorism.

1           (2) CONTENTS.—Each report submitted under  
2 paragraph (1) shall include—

3           (A) a certification by the Secretary of  
4 State that such recommendations have been im-  
5 plemented and such policy goals have been  
6 achieved, including a description of the extent  
7 to which the policy goals of paragraphs (1)  
8 through (4) of section 7115(b) of the Intel-  
9 ligence Reform and Terrorism Prevention Act  
10 of 2004 have been achieved; or

11           (B) if the Secretary of State is unable to  
12 make the certification described in subpara-  
13 graph (A), a description of—

14           (i) the steps taken to implement such  
15 recommendations and achieve such policy  
16 goals;

17           (ii) when the Secretary of State ex-  
18 pects such recommendations to be imple-  
19 mented and such policy goals to be  
20 achieved; and

21           (iii) any allocation of resources or  
22 other actions by Congress the Secretary of  
23 State considers necessary to implement  
24 such recommendations and achieve such  
25 policy goals.

1 (b) TERMINATION OF DUTY TO REPORT.—The duty  
 2 to submit a report under subsection (a) shall terminate  
 3 when the Secretary of State submits a certification pursu-  
 4 ant to subsection (a)(2)(A).

5 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-  
 6 retary of State submits a certification pursuant to sub-  
 7 section (a)(2)(A), not later than 30 days after the submis-  
 8 sion of such certification, the Comptroller General shall  
 9 submit to the relevant congressional committees a report  
 10 on whether the recommendations described in subsection  
 11 (a) have been implemented and whether the policy goals  
 12 described in subsection (a) have been achieved.

13 (d) DEFINITION.—In this section, the term “relevant  
 14 congressional committees” means—

15 (1) the Committee on Foreign Affairs and the  
 16 Committee on Oversight and Government Reform of  
 17 the House of Representatives; and

18 (2) the Committee on Foreign Relations and  
 19 the Committee on Homeland Security and Govern-  
 20 mental Affairs of the Senate.

21 **SEC. 308. ACTIONS TO ENSURE VIGOROUS EFFORTS**  
 22 **AGAINST TERRORIST FINANCING.**

23 (a) FINDINGS.—Congress finds the following:



1           (1) Financial institutions have too little infor-  
2           mation about money laundering and terrorist financ-  
3           ing compliance in other markets.

4           (2) The current Financial Action Task Force  
5           designation system does not adequately represent  
6           the progress countries are making in combatting  
7           money laundering.

8           (3) Lack of information about the compliance  
9           of countries with anti-money laundering standards  
10          exposes United States financial markets to excessive  
11          risk.

12          (4) Failure to designate countries that fail to  
13          make progress in combatting terrorist financing and  
14          money laundering eliminates incentives for internal  
15          reform.

16          (5) The Secretary of the Treasury has an af-  
17          firmative duty to provide to financial institutions  
18          and examiners the best possible information on com-  
19          pliance with anti-money laundering and terrorist fi-  
20          nancing initiatives in other markets.

21          (b) REPORT.—

22               (1) IN GENERAL.—Not later than March 1 of  
23               each year, the Secretary of the Treasury shall sub-  
24               mit to relevant congressional committees a report  
25               that identifies the applicable standards of each coun-

1 try against money laundering and states whether  
2 that country is a country of primary money laun-  
3 dering concern under section 5318A of title 31,  
4 United States Code.

5 (2) CONTENTS.—Each report submitted under  
6 paragraph (1) shall include—

7 (A) information on the effectiveness of  
8 each country in meeting its standards against  
9 money laundering;

10 (B) a determination of whether that the ef-  
11 forts of that country to combat money laun-  
12 dering and terrorist financing are adequate, im-  
13 proving, or inadequate; and

14 (C) the efforts made by the Secretary to  
15 provide to the government of each such country  
16 of concern technical assistance to cease the ac-  
17 tivities that were the basis for the determina-  
18 tion that the country was of primary money  
19 laundering concern.

20 (c) DISSEMINATION OF INFORMATION IN REPORT.—

21 The Secretary of the Treasury shall make available to the  
22 Federal Financial Institutions Examination Council for  
23 incorporation into the examination process, in consultation  
24 with Federal banking agencies, and to financial institu-  
25 tions the information contained in the report submitted

1 under subsection (b). Such information shall be made  
 2 available to financial institutions without cost.

3 (d) DEFINITIONS.—In this section:

4 (1) FINANCIAL INSTITUTION.—The term “fi-  
 5 nancial institution” has the meaning given that term  
 6 in section 5312(a)(2) of title 31, United States  
 7 Code.

8 (2) RELEVANT CONGRESSIONAL COMMIT-  
 9 TEES.—The term “relevant congressional commit-  
 10 tees” means—

11 (A) the Committee on Financial Services,  
 12 the Committee on Oversight and Government  
 13 Reform, and the Committee on the Judiciary of  
 14 the House of Representatives; and

15 (B) the Committee on Banking, Housing,  
 16 and Urban Affairs, the Committee on Home-  
 17 land Security and Governmental Affairs, and  
 18 the Committee on the Judiciary of the Senate.

## 19 **Subtitle B—Public Diplomacy**

20 **SEC. 311. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE**  
 21 **DEPARTMENT OF STATE AND PUBLIC DIPLO-**  
 22 **MACY TRAINING OF MEMBERS OF THE FOR-**  
 23 **EIGN SERVICE.**

24 (a) REPORT; CERTIFICATION.—

1           (1) IN GENERAL.—Not later than 30 days after  
2           the date of enactment of this Act, and every 30 days  
3           thereafter, the Secretary of State shall submit to the  
4           relevant congressional committees a report on the  
5           recommendations of the 9/11 Commission and the  
6           policy goals of sections 7109 and 7110 the Intel-  
7           ligence Reform and Terrorism Prevention Act of  
8           2004 (Public Law 108–458), and the amendments  
9           made by such sections, regarding the public diplo-  
10          macy responsibilities of the Department of State and  
11          public diplomacy training of members of the Foreign  
12          Service.

13           (2) CONTENTS.—Each report submitted under  
14          paragraph (1) shall include—

15                   (A) a certification by the Secretary of  
16                   State that such recommendations have been im-  
17                   plemented and such policy goals have been  
18                   achieved; or

19                   (B) if the Secretary of State is unable to  
20                   make the certification described in subpara-  
21                   graph (A), a description of—

22                           (i) the steps taken to implement such  
23                           recommendations and achieve such policy  
24                           goals;

1 (ii) when the Secretary of State ex-  
2 pects such recommendations to be imple-  
3 mented and such policy goals to be  
4 achieved; and

5 (iii) any allocation of resources or  
6 other actions by Congress the Secretary of  
7 State considers necessary to implement  
8 such recommendations and achieve such  
9 policy goals.

10 (b) TERMINATION OF DUTY TO REPORT.—The duty  
11 to submit a report under subsection (a) shall terminate  
12 when the Secretary of State submits a certification pursu-  
13 ant to subsection (a)(2)(A).

14 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-  
15 retary of State submits a certification pursuant to sub-  
16 section (a)(2)(A), not later than 30 days after the submis-  
17 sion of such certification, the Comptroller General shall  
18 submit to the relevant congressional committees a report  
19 on whether the recommendations described in subsection  
20 (a) have been implemented and whether the policy goals  
21 described in subsection (a) have been achieved.

22 (d) DEFINITION.—In this section, the term “relevant  
23 congressional committees” means—

1           (1) the Committee on Foreign Affairs and the  
2           Committee on Oversight and Government Reform of  
3           the House of Representatives; and

4           (2) the Committee on Foreign Relations and  
5           the Committee on Homeland Security and Govern-  
6           mental Affairs of the Senate.

7   **SEC. 312. INTERNATIONAL BROADCASTING.**

8           (a) REPORT.—Not later than 90 days after the date  
9           of enactment of this Act, the Broadcasting Board of Gov-  
10          ernors shall submit to the relevant congressional commit-  
11          tees a report on—

12           (1) the activities of Radio Sawa and Radio Al-  
13          Hurra; and

14           (2) the extent to which the activities of Radio  
15          Sawa and Radio Al-Hurra have been successful, in-  
16          cluding an analysis of impact of the activities on the  
17          audience and audience demographics and whether or  
18          not funding is adequate to carry out the activities.

19          (b) DEFINITION.—In this section, the term “relevant  
20          congressional committees” means—

21           (1) the Committee on Foreign Affairs and the  
22           Committee on Oversight and Government Reform of  
23           the House of Representatives; and

1           (2) the Committee on Foreign Relations and  
2           the Committee on Homeland Security and Govern-  
3           mental Affairs of the Senate.

4 **SEC. 313. EXPANSION OF UNITED STATES SCHOLARSHIP,**  
5                   **EXCHANGE, AND LIBRARY PROGRAMS IN THE**  
6                   **ISLAMIC WORLD.**

7           (a) REPORT; CERTIFICATION.—

8           (1) IN GENERAL.—Not later than 30 days after  
9           the date of enactment of this Act, and every 30 days  
10          thereafter, the Secretary of State shall submit to the  
11          relevant congressional committees a report on the  
12          recommendations of the 9/11 Commission and the  
13          policy goals of sections 7112 of the Intelligence Re-  
14          form and Terrorism Prevention Act of 2004 (Public  
15          Law 108–458) for expanding United States scholar-  
16          ship, exchange, and library programs in the Islamic  
17          world.

18          (2) CONTENTS.—Each report submitted under  
19          paragraph (1) shall include—

20                (A) a certification by the Secretary of  
21                State that such recommendations have been im-  
22                plemented and such policy goals have been  
23                achieved; or

1 (B) if the Secretary of State is unable to  
2 make the certification described in subpara-  
3 graph (A), a description of—

4 (i) the steps taken to implement such  
5 recommendations and achieve such policy  
6 goals;

7 (ii) when the Secretary of State ex-  
8 pects such recommendations to be imple-  
9 mented and such policy goals to be  
10 achieved; and

11 (iii) any allocation of resources or  
12 other actions by Congress the Secretary of  
13 State considers necessary to implement  
14 such recommendations and achieve such  
15 policy goals.

16 (b) TERMINATION OF DUTY TO REPORT.—The duty  
17 to submit a report under subsection (a) shall terminate  
18 when the Secretary of State submits a certification pursu-  
19 ant to subsection (a)(2)(A).

20 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-  
21 retary of State submits a certification pursuant to sub-  
22 section (a)(2)(A), not later than 30 days after the submis-  
23 sion of such certification, the Comptroller General shall  
24 submit to the relevant congressional committees a report  
25 on whether the recommendations described in subsection



1 (a) have been implemented and whether the policy goals  
2 described in subsection (a) have been achieved.

3 (d) DEFINITION.—In this section, the term “relevant  
4 congressional committees” means—

5 (1) the Committee on Foreign Affairs and the  
6 Committee on Oversight and Government Reform of  
7 the House of Representatives; and

8 (2) the Committee on Foreign Relations and  
9 the Committee on Homeland Security and Govern-  
10 mental Affairs of the Senate.

11 **SEC. 314. INTERNATIONAL YOUTH OPPORTUNITY FUND.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-  
13 gress that—

14 (1) the Middle East Partnership Initiative  
15 (MEPI) and the United States Agency for Inter-  
16 national Development should be commended for ini-  
17 tiating programs in predominantly Muslim countries  
18 to support secular education improvements and the  
19 teaching of English, including programs that focus  
20 on the education of women;

21 (2) the secular education programs of MEPI  
22 and the United States Agency for International De-  
23 velopment are a constructive start to answering the  
24 challenge of secular education in predominantly  
25 Muslim countries;

1           (3) the secular education programs of MEPI  
 2           and the United States Agency for International De-  
 3           velopment should be components of an overall strat-  
 4           egy for educational assistance—itself one component  
 5           of an overall United States strategy for  
 6           counterterrorism—targeted where the need and the  
 7           benefit to the national security of the United States  
 8           are greatest; and

9           (4) upon formation of a broader strategy for  
 10          international educational assistance targeted toward  
 11          the Middle East, a significant increase in funding  
 12          for these initiatives should be provided.

13          (b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—  
 14          There are authorized to be appropriated to the Secretary  
 15          of State \$50,000,000 for each of the fiscal years 2008 and  
 16          2009 to support the establishment of an International  
 17          Youth Opportunity Fund pursuant to section 7114 of the  
 18          Intelligence Reform and Terrorism Prevention Act of  
 19          2004 (Public Law 108–458).

## 20           **Subtitle C—Nonproliferation**

### 21          **SEC. 321. SHORT TITLE.**

22          This subtitle may be cited as the “Omnibus Non-  
 23          proliferation and Anti-Nuclear Terrorism Act of 2007”.

### 24          **SEC. 322. FINDINGS.**

25          Congress finds the following:

1           (1) LOOSE NUCLEAR WEAPONS AND MATERIALS  
2       IN THE FORMER SOVIET UNION.—

3           (A) There are in the world today enormous  
4       stockpiles of nuclear weapons and the materials  
5       required to make them. Counting materials  
6       both in assembled warheads and in other forms,  
7       worldwide totals are estimated to encompass  
8       some 1,900 tons of highly enriched uranium  
9       (enough for 143,000 nuclear weapons) and  
10      1,855 tons of plutonium (enough for 330,000  
11      nuclear weapons).

12          (B) The Russian Federation alone is esti-  
13      mated to have over 1,000 tons of highly en-  
14      riched uranium (enough for over 80,000 nuclear  
15      weapons) and 140 tons of plutonium (enough  
16      for over 30,000 nuclear weapons).

17          (C) The United States has been working  
18      for over a decade to eliminate stockpiles of loose  
19      nuclear weapons and materials in the former  
20      Soviet Union, but the Department of Energy  
21      acknowledges that there is still a need to prop-  
22      erly secure about 460 tons of weapons-usable  
23      Russian nuclear material (outside of warheads),  
24      enough for more than 35,000 nuclear weapons.

1 (D) A recent report by the Central Intel-  
2 ligence Agency faulted the security of nuclear  
3 arsenal facilities in the Russian Federation and  
4 assessed that “undetected smuggling has oc-  
5 curred”.

6 (E) There are at least 18 documented inci-  
7 dents of “proliferation significant” fissile mate-  
8 rial trafficking from facilities in the former So-  
9 viet Union between 1991 and 2001. In one inci-  
10 dent in 1998, an inside conspiracy at a Russian  
11 nuclear weapons facility attempted to steal 18.5  
12 kilograms of highly enriched uranium. In an-  
13 other incident, 2 kilograms of highly enriched  
14 uranium taken from a research facility in  
15 Sukhumi, Georgia, has never been recovered.

16 (F) In May 1994, German police found a  
17 small but worrisome quantity of supergrade  
18 plutonium in the garage of Adolf Jackle. Ex-  
19 tremely expensive to produce, this rare item  
20 was likely stolen from one of Russia’s two pre-  
21 mier nuclear weapons laboratories.

22 (G) Comprehensive security upgrades are  
23 not yet completed at 90 percent of Russian nu-  
24 clear warhead bunkers for Russia’s Strategic  
25 Rocket Forces.

1           (H) Border security in the former Soviet  
2           Union is inconsistent at best. Existing infra-  
3           structure helps at the outer borders of the  
4           former Soviet Union but many borders internal  
5           to the former Soviet Union, such as the border  
6           between Kazakhstan and the Russian Federa-  
7           tion, exist only on a map.

8           (2) LOOSE NUCLEAR MATERIALS AROUND THE  
9           GLOBE.—

10           (A) Dangerous caches of weapons-usable  
11           nuclear materials, much of it poorly secured  
12           and vulnerable to theft, exist in a multitude of  
13           facilities around the world. For example, there  
14           are over 130 research reactors in over 40 coun-  
15           tries that house highly enriched uranium, some  
16           with enough to manufacture an atomic bomb.  
17           In total, about 40 tons of highly enriched ura-  
18           nium, enough for over 1,000 nuclear weapons,  
19           is estimated to remain in civilian research reac-  
20           tors.

21           (B) Over the last 50 years, the United  
22           States is known to have exported about 27.5  
23           tons of highly enriched uranium to 43 countries  
24           to help develop nuclear power production or bol-  
25           ster scientific initiatives. In 1996, the United

1 States began an effort to recover the more than  
2 17.5 tons of the nuclear material that was still  
3 overseas, but has recovered only about 1 ton,  
4 according to the Department of Energy and the  
5 Government Accountability Office.

6 (C) It is especially important to keep high-  
7 ly enriched uranium out of terrorists' hands be-  
8 cause, with minimal expertise, they could use it  
9 to make the simplest, gun-type nuclear weapon,  
10 a device in which a high explosive is used to  
11 blow 1 subcritical piece of highly enriched ura-  
12 nium from 1 end of a tube into another subcrit-  
13 ical piece held at the opposite end of the tube.

14 (D) To Osama bin Laden, acquiring weap-  
15 ons of mass destruction is a "religious duty".  
16 Al Qaeda and more than 2 dozen other terrorist  
17 groups are pursuing capability to use weapons  
18 of mass destruction.

19 (E) Osama bin Laden's press spokesman,  
20 Sulaiman Abu Ghaith, has announced that the  
21 group aspires "to kill 4 million Americans, in-  
22 cluding 1 million children," in response to cas-  
23 ualties supposedly inflicted on Muslims by the  
24 United States and Israel.

1 (F) Al Qaeda documents recovered in Af-  
2 ghanistan reveal a determined research effort  
3 focused on nuclear weapons.

4 (3) SECURITY STANDARDS FOR ALL NUCLEAR  
5 WEAPONS AND MATERIALS.—

6 (A) There are no international binding  
7 standards for the secure handling and storage  
8 of nuclear weapons and materials.

9 (B) Making a nuclear weapon requires only  
10 4 to 5 kilograms of plutonium or 12 to 15 kilo-  
11 grams of highly enriched uranium.

12 (C) In October 2001, the United States  
13 Government became very concerned that Al  
14 Qaeda may have smuggled a 10-kiloton Russian  
15 nuclear warhead into New York City. If placed  
16 in lower Manhattan, such a device would prob-  
17 ably kill 100,000 people instantly, seriously in-  
18 jure tens of thousands more, and render the en-  
19 tire area uninhabitable for decades to come.

20 (4) RUSSIA'S NUCLEAR EXPERTISE.—

21 (A) Employment at the large nuclear facili-  
22 ties in the Russian Federation's 10 closed nu-  
23 clear cities is estimated to be in the range of  
24 120,000 to 130,000 people, of whom approxi-

1           mately 75,000 were employed on nuclear weap-  
2           ons-related work.

3           (B) Poor wages and living conditions in  
4           Russian “nuclear cities” have inspired protests  
5           and strikes among the employees working in  
6           them.

7           (C) Insiders have been caught attempting  
8           to smuggle nuclear materials out of these facili-  
9           ties, presumably to sell on the lucrative black  
10          market.

11 **SEC. 323. ESTABLISHMENT OF OFFICE OF NONPROLIFERA-**  
12 **TION PROGRAMS IN THE EXECUTIVE OFFICE**  
13 **OF THE PRESIDENT.**

14          (a) ESTABLISHMENT.—There is established in the  
15 Executive Office of the President an Office of Non-  
16 proliferation Programs (in this section referred to as the  
17 “Office”).

18          (b) DIRECTOR; ASSOCIATE DIRECTORS.—There shall  
19 be at the head of the Office a Director who shall be ap-  
20 pointed by the President, by and with the advice and con-  
21 sent of the Senate, and who shall be compensated at the  
22 rate provided for level II of the Executive Schedule in sec-  
23 tion 5313 of title 5, United States Code, The President  
24 is authorized to appoint not more than 4 Associate Direc-  
25 tors, by and with the advice and consent of the Senate,



1 who shall be compensated at a rate not to exceed that pro-  
2 vided for level III of the Executive Schedule in section  
3 5314 of such title. Associate Directors shall perform such  
4 functions as the Director may prescribe.

5 (c) PRIMARY FUNCTIONS OF DIRECTOR.—

6 (1) IN GENERAL.—The primary function of the  
7 Director is to coordinate and lead—

8 (A) efforts by the United States to curb  
9 terrorist access to nuclear technology, mate-  
10 rials, or expertise; and

11 (B) other United States nonproliferation  
12 activities, including nuclear nonproliferation ac-  
13 tivities and activities to counter other weapons  
14 of mass destruction.

15 (2) SPECIFIC FUNCTIONS.—In addition to such  
16 other functions and activities as the President may  
17 assign, the Director shall—

18 (A) advise the President, and others within  
19 the Executive Office of the President, on the  
20 role and effect of such nonproliferation activi-  
21 ties on national security and international rela-  
22 tions;

23 (B) lead the development and implementa-  
24 tion of a plan (including appropriate budgets,  
25 other resources, goals, and metrics for assessing

1 progress) to ensure that all the highest-priority  
2 actions to prevent terrorists from getting and  
3 using nuclear weapons are taken in the shortest  
4 possible time, including but not limited to a  
5 fast-paced global effort to ensure that every nu-  
6 clear warhead and every kilogram of weapons-  
7 usable nuclear material worldwide is secured  
8 and accounted for, to standards sufficient to de-  
9 feat demonstrated terrorist and criminal  
10 threats, as rapidly as that objective can be ac-  
11 complished;

12 (C) identify obstacles to accelerating and  
13 strengthening efforts to prevent terrorists from  
14 getting and using nuclear weapons, and raise  
15 approaches to overcoming these obstacles for  
16 action by the President or other appropriate of-  
17 ficials;

18 (D) lead an effort, to be carried out jointly  
19 by the various Federal agencies responsible for  
20 carrying out such nonproliferation activities, to  
21 establish priorities among those activities and  
22 to develop and implement strategies and budg-  
23 ets that reflect those priorities;

24 (E) build strong partnerships with respect  
25 to such nonproliferation activities among Fed-

1           eral, State, and local governments, foreign gov-  
 2           ernments, international organizations, and non-  
 3           governmental organizations; and

4           (F) evaluate the scale, quality, and effec-  
 5           tiveness of the Federal effort with respect to  
 6           such nonproliferation activities and advise on  
 7           appropriate actions.

8   **SEC. 324. REMOVAL OF RESTRICTIONS ON COOPERATIVE**  
 9           **THREAT REDUCTION PROGRAMS.**

10       (a) REPEAL OF RESTRICTIONS.—

11           (1) RESTRICTIONS ON ASSISTANCE IN DE-  
 12       STROYING FORMER SOVIET WEAPONS.—Section  
 13       211(b) of the Soviet Nuclear Threat Reduction Act  
 14       of 1991 (22 U.S.C. 2551 note) is repealed.

15           (2) RESTRICTIONS ON AUTHORITY TO CARRY  
 16       OUT CTR PROGRAMS.—Section 1203(d) of the Coop-  
 17       erative Threat Reduction Act of 1993 (title XII of  
 18       Public Law 103–160; 22 U.S.C. 5952(d)) is re-  
 19       pealed.

20           (3) LIMITATION ON USE OF FUNDS FOR CHEM-  
 21       ICAL WEAPONS DESTRUCTION.—Section 1305 of the  
 22       National Defense Authorization Act for Fiscal Year  
 23       2000 (22 U.S.C. 5952 note) is repealed.

24       (b) EXEMPTION FROM LIMITATIONS.—Cooperative  
 25       Threat Reduction programs may be carried out notwith-

1 standing any other provision of law, subject to congres-  
 2 sional notification and reporting requirements that apply  
 3 to the use of funds available for Cooperative Threat Re-  
 4 duction programs or the carrying out of projects or activi-  
 5 ties under such programs.

6 (c) INAPPLICABILITY OF OTHER RESTRICTIONS.—  
 7 Section 502 of the Freedom for Russia and Emerging  
 8 Eurasian Democracies and Open Markets Support Act of  
 9 1992 (22 U.S.C. 5852) shall not apply to any Cooperative  
 10 Threat Reduction program.

11 **SEC. 325. REMOVAL OF RESTRICTIONS ON DEPARTMENT**  
 12 **OF ENERGY NONPROLIFERATION PROGRAMS.**

13 Section 4301 of the Atomic Energy Defense Act (50  
 14 U.S.C. 2561) is repealed.

15 **SEC. 326. MODIFICATIONS OF AUTHORITY TO USE COOPER-**  
 16 **ATIVE THREAT REDUCTION PROGRAM FUNDS**  
 17 **OUTSIDE THE FORMER SOVIET UNION.**

18 Section 1308 of the National Defense Authorization  
 19 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
 20 1662; 22 U.S.C. 5963) is amended—

21 (1) by striking “President” each place it ap-  
 22 pears and inserting “Secretary of Defense”;

23 (2) in subsection (a), by striking “each of the  
 24 following” and all that follows through the period at

1 the end and inserting the following: “that such  
2 project or activity will—

3 “(1) assist the United States in the resolution  
4 of a critical emerging proliferation threat; or

5 “(2) permit the United States to take advan-  
6 tage of opportunities to achieve long-standing non-  
7 proliferation goals.”;

8 (3) by striking subsections (c) and (d); and

9 (4) by redesignating subsection (e) as sub-  
10 section (c).

11 **SEC. 327. MODIFICATIONS OF AUTHORITY TO USE INTER-**  
12 **NATIONAL NUCLEAR MATERIALS PROTEC-**  
13 **TION AND COOPERATION PROGRAM FUNDS**  
14 **OUTSIDE THE FORMER SOVIET UNION.**

15 Section 3124 of the National Defense Authorization  
16 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
17 1747) is amended—

18 (1) by striking “President” each place it ap-  
19 pears and inserting “Secretary of Energy”;

20 (2) in subsection (a), by striking “each of the  
21 following” and all that follows through the period at  
22 the end and inserting the following: “that such  
23 project or activity will—

24 “(1) assist the United States in the resolution  
25 of a critical emerging proliferation threat; or

1 “(2) permit the United States to take advan-  
 2 tage of opportunities to achieve long-standing non-  
 3 proliferation goals.”;

4 (3) by striking subsections (c) and (d); and

5 (4) by redesignating subsection (e) as sub-  
 6 section (c).

7 **SEC. 328. SPECIAL REPORTS ON ADHERENCE TO ARMS**  
 8 **CONTROL AGREEMENTS AND NON-**  
 9 **PROLIFERATION COMMITMENTS.**

10 (a) **REPORTS REQUIRED.**—At least annually, the  
 11 Secretary of State shall submit to the appropriate congres-  
 12 sional committees a report on each country in which a Co-  
 13 operative Threat Reduction program is being carried out,  
 14 describing that country’s commitments to—

15 (1) making substantial national investments in  
 16 infrastructure to secure, safeguard, and destroy  
 17 weapons of mass destruction;

18 (2) forgoing any military modernization exceed-  
 19 ing legitimate defense requirements, including re-  
 20 placement of weapons of mass destruction;

21 (3) forgoing any use of fissionable materials or  
 22 any other components of deactivated nuclear weap-  
 23 ons in a new nuclear weapons program;

24 (4) complying with all relevant arms control  
 25 agreements;

1           (5) adopting and enforcing national and inter-  
 2           national export controls over munitions and dual-use  
 3           items; and

4           (6) facilitating the verification by the United  
 5           States and international community of that coun-  
 6           try's compliance with such commitments.

7           (b) FORM.—The report required under subsection (a)  
 8           may be submitted with the report required under section  
 9           403 of the Arms Control and Disarmament Act (22  
 10          U.S.C. 2593a).

11   **SEC. 329. PRESIDENTIAL REPORT ON IMPEDIMENTS TO**  
 12                           **CERTAIN NONPROLIFERATION ACTIVITIES.**

13          Not later than 90 days after the date of the enact-  
 14          ment of this Act, the President shall submit to the appro-  
 15          priate congressional committees a report identifying im-  
 16          pediments (including liability concerns, taxation issues, ac-  
 17          cess rights, and other impediments) to—

18               (1) the ongoing renegotiation of the umbrella  
 19               agreement relating to Cooperative Threat Reduction;  
 20               and

21               (2) the ongoing negotiations for the implemen-  
 22               tation of the Plutonium Disposition Program, the  
 23               Nuclear Cities Initiative, and other defense nuclear  
 24               nonproliferation programs.

1 **SEC. 330. ENHANCEMENT OF GLOBAL THREAT REDUCTION**  
 2 **INITIATIVE.**

3 Section 3132 of the Ronald W. Reagan National De-  
 4 fense Authorization Act for Fiscal Year 2005 (Public Law  
 5 108–375; 118 Stat. 2166; 50 U.S.C. 2569) is amended—

6 (1) in subsection (b)—

7 (A) in the subsection heading, by striking  
 8 “PROGRAM AUTHORIZED” and inserting “PRO-  
 9 GRAM REQUIRED”; and

10 (B) by striking “The Secretary of Energy  
 11 may” and inserting “The President, acting  
 12 through the Secretary of Energy, shall”; and

13 (2) in subsection (c)(1), by adding at the end  
 14 the following new subparagraph:

15 “(N) Take such other actions as may be nec-  
 16 essary to effectively implement the Global Threat  
 17 Reduction Initiative.”.

18 **SEC. 331. EXPANSION OF PROLIFERATION SECURITY INI-**  
 19 **TIATIVE.**

20 (a) SENSE OF CONGRESS RELATING TO PROLIFERA-  
 21 TION SECURITY INITIATIVE.—It is the sense of the Con-  
 22 gress that—

23 (1) the President should strive to expand and  
 24 strengthen the Proliferation Security Initiative an-  
 25 nounced by the President on May 31, 2003, placing



1 particular emphasis on including countries outside of  
2 NATO; and

3 (2) the United States should engage the United  
4 Nations to develop a Security Council Resolution to  
5 authorize the Proliferation Security Initiative under  
6 international law, including by providing legal au-  
7 thority to stop shipments of weapons of mass de-  
8 struction, their delivery systems, and related mate-  
9 rials.

10 (b) AUTHORIZATION OF APPROPRIATIONS RELATING  
11 TO PROLIFERATION SECURITY INITIATIVE.—There are  
12 authorized to be appropriated for fiscal year 2008,  
13 \$50,000,000 to conduct joint training exercises regarding  
14 interdiction of weapons of mass destruction under the Pro-  
15 liferation Security Initiative with particular emphasis  
16 given to allocating funds from such amount—

17 (1) to invite other countries that do not partici-  
18 pate in the Proliferation Security Initiative to ob-  
19 serve the joint training exercises; and

20 (2) to conduct training exercises with countries  
21 that openly join the Proliferation Security Initiative  
22 after the date of the enactment of this Act.

1 **SEC. 332. SENSE OF CONGRESS RELATING TO INTER-**  
2 **NATIONAL SECURITY STANDARDS FOR NU-**  
3 **CLEAR WEAPONS AND MATERIALS.**

4 It is the sense of the Congress that the President  
5 should seek to devise and implement standards to improve  
6 the security of nuclear weapons and materials by—

7 (1) establishing with other willing nations a set  
8 of performance-based standards for the security of  
9 nuclear weapons and weapons;

10 (2) negotiating with those nations an agreement  
11 to adopt the standards and implement appropriate  
12 verification measures to assure ongoing compliance;  
13 and

14 (3) coordinating with those nations and the  
15 International Atomic Energy Agency to strongly en-  
16 courage other states to adopt and verifiably imple-  
17 ment the standards.

18 **SEC. 333. AUTHORIZATION OF APPROPRIATIONS RELATING**  
19 **TO INVENTORY OF RUSSIAN TACTICAL NU-**  
20 **CLEAR WARHEADS AND DATA EXCHANGES.**

21 In addition to any other amounts authorized to be  
22 appropriated for such purposes, there are authorized to  
23 be appropriated to the Administrator for Nuclear Security  
24 for fiscal year 2008, \$5,000,000 for assistance to Russia  
25 to facilitate the conduct of a comprehensive inventory of  
26 the stockpile of Russia of—

1 (1) non-strategic nuclear weapons; and

2 (2) nuclear weapons, whether strategic or non-  
3 strategic, that are not secured by PALs or other  
4 electronic means.

5 **SEC. 334. REPORT ON ACCOUNTING FOR AND SECURING OF**  
6 **RUSSIA'S NON-STRATEGIC NUCLEAR WEAP-**  
7 **ONS.**

8 Not later than 120 days after the date of enactment  
9 of this Act, the Secretary of Defense shall submit to the  
10 appropriate congressional committees a report on Russia's  
11 non-strategic nuclear weapons that shall—

12 (1) detail past and current efforts of the United  
13 States to encourage a proper accounting for and se-  
14 curing of Russia's non-strategic nuclear weapons  
15 and Russia's nuclear weapons, whether strategic or  
16 non-strategic, that are not secured by PALs or other  
17 electronic means;

18 (2) detail the actions that are most likely to  
19 lead to progress in improving the accounting for and  
20 securing or dismantlement of such weapons; and

21 (3) detail the feasibility of enhancing the na-  
22 tional security of the United States by developing in-  
23 creased transparency between the United States and  
24 Russia with respect to the numbers, locations, and

1       descriptions of such weapons and of the cor-  
 2       responding weapons of the United States.

3   **SEC. 335. RESEARCH AND DEVELOPMENT INVOLVING AL-**  
 4                   **TERNATIVE USE OF WEAPONS OF MASS DE-**  
 5                   **STRUCTION EXPERTISE.**

6       (a) **AUTHORITY TO USE FUNDS.**—Notwithstanding  
 7 any other provision of law and subject to subsection (c),  
 8 any funds available to a department or agency of the Fed-  
 9 eral Government may be used to conduct non-defense re-  
 10 search and development in Russia and the states of the  
 11 former Soviet Union on technologies specified in sub-  
 12 section (b) utilizing scientists in Russia and the states of  
 13 the former Soviet Union who have expertise in—

14           (1) nuclear weapons; or

15           (2) chemical or biological weapons, but only if  
 16 such scientists no longer engage, or have never en-  
 17 gaged, in activities supporting prohibited chemical or  
 18 biological capabilities.

19       (b) **TECHNOLOGIES.**—The technologies specified in  
 20 this subsection are technologies on the following:

21           (1) Environmental restoration and monitoring.

22           (2) Proliferation detection.

23           (3) Health and medicine, including research.

24           (4) Energy.

1       (c) LIMITATION.—Funds may not be used under sub-  
 2 section (a) for research and development if the Secretary  
 3 of State, in consultation with the Secretary of Defense and  
 4 the Secretary of Energy, determines that such research  
 5 and development will—

6           (1) pose a threat to the security interests of the  
 7 United States; or

8           (2) further materially any defense technology.

9       (d) AUTHORIZATION OF APPROPRIATIONS.—

10           (1) IN GENERAL.—There is authorized to be  
 11 appropriated to the Department of State  
 12 \$20,000,000 for fiscal year 2008 for the following  
 13 purposes:

14           (A) To make determinations under sub-  
 15 section (c).

16           (B) To defray any increase in costs in-  
 17 curred by the Department of State, or any  
 18 other department or agency of the Federal Gov-  
 19 ernment, for research and development, or dem-  
 20 onstration, as a result of research and develop-  
 21 ment conducted under this section.

22       (2) AVAILABILITY.—

23           (A) IN GENERAL.—Amounts authorized to  
 24 be appropriated by paragraph (1) are author-  
 25 ized to remain available until expended.

1                   (B)     TRANSFERRED     AMOUNTS.—Any  
2                   amount transferred to a department or agency  
3                   of the Federal Government pursuant to para-  
4                   graph (1)(B) shall be merged with amounts  
5                   available to such department or agency to cover  
6                   costs concerned, and shall be available for the  
7                   same purposes, and for the same period, as  
8                   amounts with which merged.

9   **SEC. 336. STRENGTHENING THE NUCLEAR NONPROLIFERA-**  
10                   **TION TREATY.**

11           (a) FINDINGS.—Congress finds the following:

12                   (1) Article IV of the Treaty on the Non-Pro-  
13                   liferation of Nuclear Weapons (commonly referred to  
14                   as the Nuclear Nonproliferation Treaty or NPT) (21  
15                   UST 483) states that countries that are parties to  
16                   the treaty have the “inalienable right . . . to develop  
17                   research, production and use of nuclear energy for  
18                   peaceful purposes without discrimination and in con-  
19                   formity with articles I and II of this treaty.”.

20                   (2) The rights outlined under article IV include  
21                   all fuel cycle activities, despite the fact that uranium  
22                   enrichment and plutonium production potentially put  
23                   a country in a position to produce weapons usable  
24                   material.

1           (3) David Bergmann, former chairman of the  
 2       Israeli Atomic Energy Commission, stated: “. . . by  
 3       developing atomic energy for peaceful uses, you  
 4       reach the nuclear weapon option. There are not two  
 5       atomic energies”.

6           (4) The wording of article IV has made it pos-  
 7       sible for countries that are parties to the NPT trea-  
 8       ty to use peaceful nuclear programs as a cover for  
 9       weapons programs. In particular, the misuse by  
 10      North Korea and Iran of these provisions threatens  
 11      to undercut the viability of the nuclear nonprolifera-  
 12      tion regime and the entire system of international  
 13      nuclear commerce.

14          (5) If the international community fails to de-  
 15      vise effective measures to deal with the “loophole” in  
 16      article IV, then there is a great likelihood that the  
 17      ranks of countries possessing nuclear weapons will  
 18      increase markedly in the next decade.

19      (b) PRESIDENTIAL REPORT ON CONTROL OF NU-  
 20      CLEAR FUEL CYCLE TECHNOLOGIES AND MATERIAL.—  
 21      Not later than 90 days after the date of enactment of this  
 22      Act, the President shall submit to the appropriate congres-  
 23      sional committees a report identifying ways to more effec-  
 24      tively control nuclear fuel cycle technologies and material,  
 25      including ways that the United States can mobilize the

1 international community to close the “loophole” of article  
2 IV of the NPT, without undermining the treaty itself.

3 **SEC. 337. DEFINITIONS.**

4 In this subtitle:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
6 TEES.—The term “appropriate congressional com-  
7 mittees” means—

8 (A) the Committee on Foreign Affairs, the  
9 Committee on Armed Services, the Committee  
10 on Homeland Security, and the Committee on  
11 Appropriations of the House of Representatives;  
12 and

13 (B) the Committee on Foreign Relations,  
14 the Committee on Armed Services, the Com-  
15 mittee on Homeland Security and Govern-  
16 mental Affairs, and the Committee on Appro-  
17 priations of the Senate.

18 (2) COOPERATIVE THREAT REDUCTION PRO-  
19 GRAMS.—The term “Cooperative Threat Reduction  
20 programs” means programs and activities specified  
21 in section 1501(b) of the National Defense Author-  
22 ization Act for Fiscal Year 1997 (Public Law 104–  
23 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

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